

106TH CONGRESS  
2D SESSION

# H. R. 4518

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2000

Mr. DOOLEY of California (for himself and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Public Education Reinvestment, Reinvention, and Re-  
6 sponsibility Act (Three R’s)”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. Declaration of priorities.

## TITLE I—STUDENT PERFORMANCE

Sec. 101. Heading.

Sec. 102. Findings, policy, and purpose.

Sec. 103. Authorization of appropriations.

Sec. 104. Reservation for school improvement.

### PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Sec. 105. State plans.

Sec. 106. Local educational agency plans.

Sec. 107. Schoolwide programs.

Sec. 108. School choice.

Sec. 109. Assessment and local educational agency and school improvement.

Sec. 110. State assistance for school support and improvement.

Sec. 111. Parental involvement changes.

Sec. 112. Qualifications for teachers and paraprofessionals.

Sec. 113. Professional development.

Sec. 114. Fiscal requirements.

Sec. 115. Coordination requirements.

Sec. 116. Grants for the outlying areas and the Secretary of the Interior.

Sec. 117. Amounts for grants.

Sec. 118. Basic grants to local educational agencies.

Sec. 119. Concentration grants.

Sec. 120. Targeted grants.

Sec. 121. Special allocation procedures.

### PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 131. Program authorized.

Sec. 132. Applications.

Sec. 133. Research.

### PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 141. Comprehensive needs assessment and service-delivery plan; authorized activities.

### PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

Sec. 151. State plan and State agency applications.

Sec. 152. Use of funds.

### PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

Sec. 161. Evaluations.

Sec. 162. Demonstrations of innovative practices.

### PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

Sec. 171. Rural education development initiative.

### PART G—GENERAL PROVISIONS

- Sec. 181. Federal regulations.
- Sec. 182. State administration.

## TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

- Sec. 201. Teacher and principal quality, professional development, and class size.

## TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 301. Language minority students.
- Sec. 302. Emergency immigrant education program.
- Sec. 303. Indian, Native Hawaiian, and Alaska Native education.

## TITLE IV—PUBLIC SCHOOL CHOICE

- Sec. 401. Public school choice.
- Sec. 402. Development of public school choice programs; report cards.

## TITLE V—IMPACT AID

- Sec. 501. Impact aid.
- Sec. 502. Payments relating to Federal acquisition of real property.
- Sec. 503. Payments for eligible federally connected children.
- Sec. 504. Maximum amount of basic support payments.
- Sec. 505. Basic support payments for heavily impacted local educational agencies.
- Sec. 506. Basic support payments for local educational agencies affected by removal of Federal property.
- Sec. 507. Additional payments for local educational agencies with high concentrations of children with severe disabilities.
- Sec. 508. Application for payments under sections 8002 and 8003.
- Sec. 509. Payments for sudden and substantial increases in attendance of military dependents.
- Sec. 510. Construction.
- Sec. 511. Federal administration.
- Sec. 512. Administrative hearings and judicial review.
- Sec. 513. Definitions.
- Sec. 514. Authorization of appropriations.
- Sec. 515. Effective date.

## TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

- Sec. 601. High performance and quality education initiatives.

## TITLE VII—ACCOUNTABILITY

- Sec. 701. Accountability.

## TITLE VIII—GENERAL PROVISIONS AND REPEALS

- Sec. 801. Repeals, transfers, and redesignations regarding titles VIII and XIV.
- Sec. 802. Other repeals.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the reference shall be considered to be made to a  
6 section or other provision of the Elementary and Sec-  
7 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

8 **SEC. 3. DECLARATION OF PRIORITIES.**

9 Congress declares that our national educational prior-  
10 ities are to—

11 (1) introduce real accountability by making  
12 public elementary school and secondary school edu-  
13 cation funding performance-based rather than a  
14 guaranteed source of revenue for States and local  
15 educational agencies;

16 (2) require State educational agencies and local  
17 educational agencies to establish high student per-  
18 formance objectives, and to provide the State edu-  
19 cational agencies and local educational agencies with  
20 flexibility in using Federal resources to ensure that  
21 the performance objectives are met;

22 (3) concentrate Federal funding around a small  
23 number of central education goals, including com-  
24 pensatory education for disadvantaged children and  
25 youth, teacher quality and professional development,  
26 programs for limited English proficient students,

1 public school choice programs, innovative educational  
2 programs, student safety, and the incorporation of  
3 educational technology;

4 (4) concentrate Federal education funding on  
5 impoverished areas where elementary schools and  
6 secondary schools are most likely to be in distress;

7 (5) sanction State educational agencies and  
8 local educational agencies that consistently fail to  
9 meet established benchmarks; and

10 (6) reward State educational agencies, local  
11 educational agencies, and elementary schools and  
12 secondary schools that demonstrate high perform-  
13 ance.

## 14 **TITLE I—STUDENT** 15 **PERFORMANCE**

### 16 **SEC. 101. HEADING.**

17 The heading for title I (20 U.S.C. 6301 et seq.) is  
18 amended to read as follows:

## 19 **“TITLE I—STUDENT** 20 **PERFORMANCE”.**

### 21 **SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

22 Section 1001 (20 U.S.C. 6301) is amended to read  
23 as follows:

1 **“SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

2 “(a) FINDINGS.—Congress makes the following find-  
3 ings:

4 “(1) Despite more than 3 decades of Federal  
5 assistance, a sizable achievement gap remains be-  
6 tween low-income and middle-class students.

7 “(2) The 1994 reauthorization of the Elemen-  
8 tary and Secondary Education Act of 1965 was an  
9 important step in focusing our Nation’s priorities on  
10 closing the achievement gap between poor and afflu-  
11 ent students in the United States. The Federal Gov-  
12 ernment must continue to build on these improve-  
13 ments made in 1994 by holding States and local  
14 educational agencies accountable for student achieve-  
15 ment.

16 “(3) States can help close this achievement gap  
17 by developing challenging curriculum content and  
18 student performance standards so that all elemen-  
19 tary school and secondary school students perform  
20 at an advanced level. States should implement vig-  
21 orous and comprehensive student performance as-  
22 sessments, such as the National Assessment of Edu-  
23 cational Progress (NAEP) so as to measure fully the  
24 progress of our Nation’s students.

25 “(4) In order to ensure that no child is left be-  
26 hind in the new economy, the Federal Government

1 must better target Federal resources on those chil-  
2 dren who are most at-risk for falling behind aca-  
3 demically.

4 “(5)(A) Title I funds have been targeted on  
5 high-poverty areas, but not to the degree they should  
6 be as demonstrated by the following:

7 “(B) Although 95 percent of schools with pov-  
8 erty levels of 75 percent to 100 percent receive title  
9 I funding, 20 percent of schools with poverty levels  
10 of 50 to 74 percent do not receive any title I fund-  
11 ing.

12 “(C) Only 64 percent of schools with poverty  
13 levels in the 35 percent to 49 percent range receive  
14 title I funding.

15 “(6) Title I funding should be significantly in-  
16 creased and more effectively targeted to ensure that  
17 all low-income students have an opportunity to excel  
18 academically.

19 “(7) The Federal Government should provide  
20 greater decisionmaking authority and flexibility to  
21 schools and teachers in exchange for greater respon-  
22 sibility for student performance. Federal, State, and  
23 local efforts should be focused on raising the aca-  
24 demic achievement of all students. Our Nation’s  
25 children deserve nothing less than holding account-

1       able those responsible for shaping our childrens’ fu-  
2       ture and our country’s future.

3       “(b) POLICY.—Congress declares that it is the policy  
4 of the United States to ensure that all students receive  
5 a high-quality education by holding States, local edu-  
6 cational agencies, and elementary schools and secondary  
7 schools accountable for increased student academic per-  
8 formance results, and by facilitating improved classroom  
9 instruction.

10       “(c) PURPOSES.—The purposes of this title are as  
11 follows:

12               “(1) To eliminate the existing 2-tiered edu-  
13 cational system, which set lower academic expecta-  
14 tions for impoverished students than for affluent  
15 students.

16               “(2) To require all States to have challenging  
17 content and student performance standards and as-  
18 sessment measures in place.

19               “(3) To require all States to ensure adequate  
20 yearly progress for all students by establishing an-  
21 nual, numerical performance objectives.

22               “(4) To ensure that all title I students receive  
23 educational instruction from a fully qualified teach-  
24 er.



1           “(5) To support State and local educational  
2           agencies in identifying, assisting, and correcting low-  
3           performing schools.

4           “(6) To increase Federal funding for part A  
5           programs for disadvantaged students in return for  
6           increased academic performance of all students.

7           “(7) To target Federal funding to local edu-  
8           cational agencies serving the highest percentages of  
9           low-income students.”.

10 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

11           Section 1002 (20 U.S.C. 6302) is amended to read  
12 as follows:

13 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

14           “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
15 the purpose of carrying out part A, other than section  
16 1120(e), there are authorized to be appropriated  
17 \$12,000,000,000 for fiscal year 2001 and such sums as  
18 may be necessary for each of the 4 succeeding fiscal years.

19           “(b) EVEN START.—For the purpose of carrying out  
20 part B, there are authorized to be appropriated such sums  
21 as may be necessary for fiscal year 2001 and each of the  
22 4 succeeding fiscal years.

23           “(c) EDUCATION OF MIGRATORY CHILDREN.—For  
24 the purpose of carrying out part C, there are authorized

1 to be appropriated such sums as may be necessary for fis-  
 2 cal year 2001 and each of the 4 succeeding fiscal years.

3 “(d) PREVENTION AND INTERVENTION PROGRAMS  
 4 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT  
 5 RISK OF DROPPING OUT.—For the purpose of carrying  
 6 out part D, there are authorized to be appropriated such  
 7 sums as may be necessary for fiscal year 2001 and each  
 8 of the 4 succeeding fiscal years.

9 “(e) CAPITAL EXPENSES.—For the purpose of car-  
 10 rying out section 1120(e), there are authorized to be ap-  
 11 propriated \$12,000,000 for fiscal year 2001 and  
 12 \$5,000,000 for fiscal year 2002.

13 “(f) FEDERAL ACTIVITIES.—For the purpose of car-  
 14 rying out sections 1501 and 1502, there are authorized  
 15 to be appropriated such sums as may be necessary for fis-  
 16 cal year 2001 and each of the 4 succeeding fiscal years.”.

17 **SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

18 Section 1003 (20 U.S.C. 6303) is amended to read  
 19 as follows:

20 **“SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

21 “(a) STATE RESERVATIONS.—

22 “(1) IN GENERAL.—Each State educational  
 23 agency shall reserve 2.5 percent of the amount the  
 24 State educational agency receives under part A for  
 25 fiscal years 2001 and 2002, and 3.5 percent of that

1 amount for fiscal years 2003 through 2005, to carry  
 2 out paragraph (2) and to carry out the State edu-  
 3 cational agency's responsibilities under sections 1116  
 4 and 1117, including the State educational agency's  
 5 statewide system of technical assistance and support  
 6 for local educational agencies.

7 “(2) USES.—Of the amount reserved under  
 8 paragraph (1) for any fiscal year, the State edu-  
 9 cational agency shall make available at least 80 per-  
 10 cent of such amount directly to local educational  
 11 agencies.

12 **PART A—IMPROVING BASIC PROGRAMS**  
 13 **OPERATED BY LOCAL EDUCATIONAL AGENCIES**  
 14 **SEC. 105. STATE PLANS.**

15 Section 1111 (20 U.S.C. 6311) is amended to read  
 16 as follows:

17 **“SEC. 1111. STATE PLANS.**

18 “(a) PLANS REQUIRED.—

19 “(1) IN GENERAL.—Any State educational  
 20 agency desiring a grant under this part shall submit  
 21 to the Secretary a plan, developed in consultation  
 22 with local educational agencies, teachers, pupil serv-  
 23 ices personnel, administrators (including administra-  
 24 tors of programs described in other parts of this  
 25 title), local school boards, other staff, and parents,

1 that satisfies the requirements of this section and  
2 that is coordinated with other programs under this  
3 Act, the Individuals with Disabilities Education Act,  
4 the Carl D. Perkins Vocational and Technical Edu-  
5 cation Act of 1998, and the Head Start Act.

6 “(2) CONSOLIDATED PLAN.—A State plan sub-  
7 mitted under paragraph (1) may be submitted as  
8 part of a consolidated plan under section 8302.

9 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-  
10 ABILITY.—

11 “(1) CHALLENGING STANDARDS.—

12 “(A) IN GENERAL.—Each State plan shall  
13 demonstrate that the State has adopted chal-  
14 lenging content standards and challenging stu-  
15 dent performance standards that will be used  
16 by the State, and the local educational agencies,  
17 and elementary schools and secondary schools,  
18 within the State to carry out this part.

19 “(B) UNIFORMITY.—The standards re-  
20 quired by subparagraph (A) shall be the same  
21 standards that the State applies to all elemen-  
22 tary schools and secondary schools within the  
23 State and all children attending such schools.

24 “(C) SUBJECTS.—The State shall have  
25 such standards for elementary school and sec-

1           ondary school children served under this part in  
2           subjects determined by the State, but including  
3           at least mathematics, science, and English lan-  
4           guage arts, and which shall include the same  
5           knowledge, skills, and levels of performance ex-  
6           pected of all children.

7                   “(D) STANDARDS.—Standards under this  
8           paragraph shall include—

9                           “(i) challenging content standards in  
10                          academic subjects that—

11                                   “(I) specify what children are ex-  
12                                   pected to know and be able to do;

13                                   “(II) contain coherent and rig-  
14                                   orous content; and

15                                   “(III) encourage the teaching of  
16                                   advanced skills; and

17                           “(ii) challenging student performance  
18                          standards that—

19                                   “(I) are aligned with the State’s  
20                                   content standards;

21                                   “(II) describe 2 levels of high  
22                                   performance, proficient and advanced  
23                                   levels of performance, that determine  
24                                   how well children are mastering the

1 material in the State content stand-  
2 ards; and

3 “(III) describe a third level of  
4 performance, a basic level of perform-  
5 ance, to provide complete information  
6 about the progress of the lower per-  
7 forming children toward achieving to  
8 the proficient and advanced levels of  
9 performance.

10 “(E) ADDITIONAL SUBJECTS.—For the  
11 subjects in which students will be served under  
12 this part, but for which a State is not required  
13 under subparagraphs (A), (B), and (C) to de-  
14 velop, and has not otherwise developed, chal-  
15 lenging content and student performance stand-  
16 ards, the State plan shall describe a strategy  
17 for ensuring that such students are taught the  
18 same knowledge and skills and held to the same  
19 expectations as are all children.

20 “(F) SPECIAL RULE.—In the case of a  
21 State that allows local educational agencies to  
22 adopt more rigorous standards than those set  
23 by the State, local educational agencies shall be  
24 allowed to implement such standards.

25 “(2) ADEQUATE YEARLY PROGRESS.—

1           “(A) IN GENERAL.—Each State plan shall  
2 demonstrate, based on assessments described  
3 under paragraph (4), what constitutes adequate  
4 yearly progress of—

5           “(i) any school served under this part  
6 toward enabling all children to meet the  
7 State’s challenging student performance  
8 standards;

9           “(ii) any local educational agency that  
10 receives funds under this part toward ena-  
11 bling all children in schools served by the  
12 local educational agency and receiving as-  
13 sistance under this part to meet the  
14 State’s challenging student performance  
15 standards; and

16           “(iii) the State in enabling all children  
17 in schools receiving assistance under this  
18 part to meet the State’s challenging stu-  
19 dent performance standards.

20           “(B) DEFINITION.—Adequate yearly  
21 progress shall be defined by the State in a man-  
22 ner that—

23           “(i) applies the same high standards  
24 of academic performance to all students in  
25 the State;

1 “(ii) takes into account the progress  
2 of all students in the State and in each  
3 local educational agency and school served  
4 under section 1114 or 1115;

5 “(iii) uses the State challenging con-  
6 tent and challenging student performance  
7 standards and assessments described in  
8 paragraphs (1) and (4);

9 “(iv) compares separately, within each  
10 State, local educational agency, and school,  
11 the performance and progress of students,  
12 by each major ethnic and racial group, by  
13 gender, by English proficiency status, by  
14 migrant status, by students with disabili-  
15 ties as compared to nondisabled students  
16 and by economically disadvantaged stu-  
17 dents as compared to students who are not  
18 economically disadvantaged (except that  
19 such disaggregation shall not be required  
20 in a case in which the number of students  
21 in a category is insufficient to yield statis-  
22 tically reliable information or the results  
23 would reveal individually identifiable infor-  
24 mation about an individual student);



1 “(v) compares the proportions of stu-  
2 dents at the basic, proficient, and ad-  
3 vanced levels of performance with the pro-  
4 portions of students at each of the 3 per-  
5 formance levels in the same grade in the  
6 previous school year;

7 “(vi) endeavors to include other aca-  
8 demic measures such as promotion, attend-  
9 ance, drop-out rates, completion of college  
10 preparatory courses, college admission  
11 tests taken, and secondary school comple-  
12 tion, except that failure to meet another  
13 academic measure, other than student per-  
14 formance on State assessments aligned  
15 with State standards, shall not provide the  
16 sole basis for designating a district or  
17 school as in need of improvement;

18 “(vii) includes annual numerical ob-  
19 jectives for improving the performance of  
20 all groups described in clause (iv) and nar-  
21 rowing gaps in performance between these  
22 groups in, at least, the areas of mathe-  
23 matics and English language arts; and

24 “(viii) includes a timeline for ensuring  
25 that each group of students described in

1 clause (iv) meets or exceeds the State’s  
2 proficient level of performance on each  
3 State assessment used for the purposes of  
4 this section and section 1116 not later  
5 than 10 years after the date of enactment  
6 of the Public Education Reinvestment, Re-  
7 invention, and Responsibility Act.

8 “(C) ACCOUNTABILITY.—Each State plan  
9 shall demonstrate that the State has developed  
10 and is implementing a statewide accountability  
11 system that has been or will be effective in en-  
12 suring that all local educational agencies, ele-  
13 mentary schools, and secondary schools are  
14 making adequate yearly progress as defined in  
15 section 1111(b)(2)(B). Each State account-  
16 ability system shall—

17 “(i) be based on the standards and as-  
18 sessments adopted under paragraphs (1)  
19 and (4) and take into account the perform-  
20 ance of all students required by law to be  
21 included in such assessments;

22 “(ii) be the same accountability sys-  
23 tem the State uses for all schools or all  
24 local educational agencies, if the State has

1 an accountability system for all schools or  
2 all local educational agencies;

3 “(iii) provide for the identification of  
4 schools or local educational agencies receiv-  
5 ing funds under this part that for 2 con-  
6 secutive years have exceeded such schools’  
7 or agencies’ adequate yearly progress goals  
8 so that information about the practices  
9 and strategies of such schools or agencies  
10 can be disseminated to other schools in the  
11 local educational agency and in the State  
12 and such schools can be considered for re-  
13 wards provided under title VII of this Act;

14 “(iv) provide for the identification of  
15 schools and local educational agencies in  
16 need of improvement, as required by sec-  
17 tion 1116, and for the provision of tech-  
18 nical assistance, professional development,  
19 and other capacity-building as needed, in-  
20 cluding those measures specified in sec-  
21 tions 1116(d)(9) and 1117, to ensure that  
22 schools and local educational agencies so  
23 identified have the resources, skills, and  
24 knowledge needed to carry out their obliga-  
25 tions under sections 1114 and 1115 and to

1 meet the requirements for annual improve-  
2 ment described in paragraph (2); and

3 “(v) provide for the identification of  
4 schools and local educational agencies for  
5 corrective action or actions as required by  
6 section 1116, and for the implementation  
7 of corrective actions against school and  
8 school districts when such actions are re-  
9 quired under such section.

10 “(D) ANNUAL IMPROVEMENT FOR  
11 STATES.—For a State to make adequate yearly  
12 progress under subparagraph (A)(iii), not less  
13 than 90 percent of the local educational agen-  
14 cies within the State shall meet the State’s cri-  
15 teria for adequate yearly progress.

16 “(E) ANNUAL IMPROVEMENT FOR LOCAL  
17 EDUCATIONAL AGENCIES.—For a local edu-  
18 cational agency to make adequate yearly  
19 progress under subparagraph (A)(ii), not less  
20 than 90 percent of the schools served by the  
21 local educational agency shall meet the State’s  
22 criteria for adequate yearly progress.

23 “(F) ANNUAL IMPROVEMENT FOR  
24 SCHOOLS.—For an elementary school or a sec-  
25 ondary school to make adequate yearly progress

1 under subparagraph (A)(i), not less than 90  
2 percent of each group of students described in  
3 subparagraph (B)(iv) who are enrolled in such  
4 school shall take the assessments described in  
5 paragraph (4)(D) and in section 612(a)(17)(A)  
6 of the Individuals with Disabilities Education  
7 Act.

8 “(G) PUBLIC NOTICE AND COMMENT.—

9 “(i) IN GENERAL.—Each State shall  
10 submit information in the State plan dem-  
11 onstrating that in developing such plan—

12 “(I) the State diligently sought  
13 public comment from a range of insti-  
14 tutions and individuals in the State  
15 with an interest in improved student  
16 achievement; and

17 “(II) the State made and will  
18 continue to make a substantial effort  
19 to ensure that information regarding  
20 content standards, performance stand-  
21 ards, assessments, and the State ac-  
22 countability system is widely known  
23 and understood by the public, parents,  
24 teachers, and school administrators  
25 throughout the State.

1                   “(ii) EFFORTS.—The efforts described  
2                   in clause (i), at a minimum, shall include  
3                   annual publication of such information and  
4                   explanatory text to the public through such  
5                   means as the Internet, the media, and pub-  
6                   lic agencies. Non-English language shall be  
7                   used to communicate with parents where  
8                   appropriate.

9                   “(H) REVIEW.—The Secretary shall review  
10                  information from each State on the adequate  
11                  yearly progress of schools and local educational  
12                  agencies within the State required under sub-  
13                  paragraphs (A) and (B) for the purpose of de-  
14                  termining State and local compliance with sec-  
15                  tion 1116.

16                  “(3) STATE AUTHORITY.—If a State edu-  
17                  cational agency provides evidence that is satisfactory  
18                  to the Secretary that neither the State educational  
19                  agency nor any other State government official,  
20                  agency, or entity has sufficient authority under  
21                  State law to adopt curriculum content and student  
22                  performance standards, and assessments aligned  
23                  with such standards, that will be applicable to all  
24                  students enrolled in the State’s public schools, then

1 the State educational agency may meet the require-  
2 ments of this subsection by—

3 “(A) adopting curriculum content and stu-  
4 dent performance standards and assessments  
5 that meet the requirements of this subsection,  
6 on a statewide basis, and limiting the applica-  
7 bility of such standards and assessments to stu-  
8 dents served under this part; or

9 “(B) adopting and implementing policies  
10 that ensure that each local educational agency  
11 within a State receiving a grant under this part  
12 will adopt curriculum content and student per-  
13 formance standards and assessments—

14 “(i) that are aligned with the stand-  
15 ards described in subparagraph (A); and

16 “(ii) that meet the criteria in this sub-  
17 section and any regulations regarding such  
18 standards and assessments that the Sec-  
19 retary may publish and that are applicable  
20 to all students served by each such local  
21 educational agency.

22 “(4) ASSESSMENTS.—Each State plan shall  
23 demonstrate that the State has implemented a set of  
24 high quality, yearly student assessments that in-  
25 clude, at a minimum, assessments in mathematics,

1 science, and English language arts, that will be  
2 used, starting not later than the 2000–2001 school  
3 year as the primary means of determining the yearly  
4 performance of each local educational agency and  
5 school served by the State under this title in ena-  
6 bling all children to meet the State’s challenging  
7 content and student performance standards. Such  
8 assessments shall—

9 “(A) be the same assessments used to  
10 measure the performance of all children, if the  
11 State measures the performance of all children;

12 “(B) be aligned with the State’s chal-  
13 lenging content and student performance stand-  
14 ards, and provide coherent information about  
15 student attainment of such standards;

16 “(C) be used only for purposes for which  
17 such assessments are valid and reliable, and be  
18 consistent with relevant, nationally recognized  
19 professional and technical standards for such  
20 assessments;

21 “(D) measure the performance of students  
22 against the challenging State content and stu-  
23 dent performance standards, and be adminis-  
24 tered not less than once during—

25 “(i) grades 3 through 5;



1 “(ii) grades 6 through 9; and

2 “(iii) grades 10 through 12;

3 “(E) include multiple, up-to-date measures  
4 of student performance, including measures  
5 that assess higher order thinking skills and un-  
6 derstanding;

7 “(F) provide for—

8 “(i) the participation in such assess-  
9 ments of all students;

10 “(ii) the reasonable adaptations and  
11 accommodations for students with disabil-  
12 ities as defined in 602(3) of the Individ-  
13 uals with Disabilities Education Act nec-  
14 essary to measure the achievement of such  
15 students relative to State content and stu-  
16 dent performance standards;

17 “(iii) in the case of a student with  
18 limited English proficiency, the assessment  
19 of such student in the student’s native lan-  
20 guage if such a native language assessment  
21 is more likely than an English language  
22 assessment to yield accurate and reliable  
23 information on what that student knows  
24 and is able to do; and

1                   “(iv) notwithstanding clause (iii), the  
2                   assessment (using tests written in English)  
3                   of English language arts of any student  
4                   who has attended school in the United  
5                   States (not including the Commonwealth of  
6                   Puerto Rico) for 3 or more consecutive  
7                   school years, except if the local educational  
8                   agency determines, on a case-by-case indi-  
9                   vidual basis, that assessments in another  
10                  language and form would likely yield more  
11                  accurate and reliable information on what  
12                  such students know and can do, the local  
13                  educational agency may assess such stu-  
14                  dents in the appropriate language other  
15                  than English for 1 additional consecutive  
16                  year beyond the third consecutive year;  
17                  and

18                  “(G) include students who have attended  
19                  schools in a local educational agency for a full  
20                  academic year but have not attended a single  
21                  school for a full academic year, except that the  
22                  performance of students who have attended  
23                  more than 1 school in the local educational  
24                  agency in any academic year shall be used only

1 in determining the progress of the local edu-  
2 cational agency;

3 “(H) provide individual student reports to  
4 be submitted to parents, including assessment  
5 scores or other information on the attainment  
6 of student performance standards; and

7 “(I) enable results to be disaggregated  
8 within each State, local educational agency, and  
9 school by gender, by each major racial and eth-  
10 nic group, by English proficiency status, and by  
11 economically disadvantaged students as com-  
12 pared to students who are not economically dis-  
13 advantaged.

14 “(5) RIGOROUS CRITERIA.—States are encour-  
15 aged to use rigorous criteria assessment measures.

16 “(6) FIRST GRADE LITERACY ASSESSMENT.—In  
17 addition to those assessments described in para-  
18 graph (4), each State receiving funds under this  
19 part shall describe in its State plan what reasonable  
20 steps it is taking to assist and encourage local edu-  
21 cational agencies—

22 “(A) to measure literacy skills of first  
23 graders in schools receiving funds under this  
24 part by providing assessments of first graders  
25 that are—

1 “(i) developmentally appropriate;  
2 “(ii) aligned with State content and  
3 student performance standards; and  
4 “(iii) scientifically research-based; and  
5 “(B) to assist and encourage local edu-  
6 cational agencies receiving funds under this  
7 part in identifying and taking developmentally  
8 appropriate and effective interventions in any  
9 school served under this part in which a sub-  
10 stantial number of first graders have not dem-  
11 onstrated grade-level literacy proficiency by the  
12 end of the school year.

13 “(7) LANGUAGE ASSESSMENTS.—Each State  
14 plan shall identify the languages other than English  
15 and Spanish that are present in the participating  
16 student populations in the State, and indicate the  
17 languages for which yearly student assessments are  
18 not available and are needed. The State may request  
19 assistance from the Secretary if linguistically acces-  
20 sible assessment measures are needed. Upon request,  
21 the Secretary shall assist with the identification of  
22 appropriate assessment measures in the needed lan-  
23 guages, but shall not mandate a specific assessment  
24 or mode of instruction.

1           “(8) ASSESSMENT DEVELOPMENT.—A State  
 2           shall develop and implement the State assessments,  
 3           including, at a minimum, mathematics and English  
 4           language arts, by the 2000–2001 school year.

5           “(9) REQUIREMENT.—Each State plan shall  
 6           describe—

7                   “(A) how the State educational agency will  
 8                   assist each local educational agency and school  
 9                   affected by the State plan to develop the capac-  
 10                  ity to comply with each of the requirements of  
 11                  sections 1114(b), 1115(c), and 1116 that are  
 12                  applicable to such agency or school;

13                  “(B) how the State educational agency  
 14                  will—

15                   “(i) hold each local educational agency  
 16                   affected by the State plan accountable for  
 17                   improved student performance, including a  
 18                   procedure for—

19                           “(I) identifying local educational  
 20                           agencies and schools in need of im-  
 21                           provement; and

22                           “(II) assisting local educational  
 23                           agencies and schools identified under  
 24                           subclause (I) to address achievement  
 25                           problems, including thorough descrip-

1                   tions of the amounts and types of pro-  
2                   fessional development to be provided  
3                   instructional staff, the amount of any  
4                   financial assistance to be provided by  
5                   the State under section 1003, and the  
6                   amount of any funds to be provided  
7                   by other sources and the activities to  
8                   be provided by those sources; and

9                   “(ii) implementing corrective action if  
10                  assistance is not effective;

11                  “(C) how the State educational agency is  
12                  providing low-performing students additional  
13                  academic instruction, such as before- and after-  
14                  school programs and summer academic pro-  
15                  grams;

16                  “(D) such other factors the State considers  
17                  appropriate to provide students an opportunity  
18                  to achieve the knowledge and skills described in  
19                  the State’s challenging content standards;

20                  “(E) the specific steps the State edu-  
21                  cational agency will take or the specific strate-  
22                  gies the State educational agency will use to en-  
23                  sure that—

24                          “(i) all teachers in both schoolwide  
25                          programs and targeted assistance pro-

1           grams are fully qualified not later than  
2           December 31, 2003; and

3           “(ii) low-income students and minor-  
4           ity students are not taught at higher rates  
5           than other students by unexperienced,  
6           uncertified, or out-of-field teachers; and

7           “(F) the measures the State educational  
8           agency will use to evaluate and publicly report  
9           the State’s progress in improving the quality of  
10          instruction in the schools served by the State  
11          educational agency and local educational agen-  
12          cies receiving funding under this Act.

13          “(c) OTHER PROVISIONS TO SUPPORT TEACHING  
14          AND LEARNING.—Each State plan shall contain assur-  
15          ances that—

16               “(1) the State educational agency will work  
17          with other agencies, including educational service  
18          agencies or other local consortia and institutions to  
19          provide technical assistance to local educational  
20          agencies and elementary schools and secondary  
21          schools to carry out the State educational agency’s  
22          responsibilities under this part, including technical  
23          assistance in providing professional development  
24          under section 1119(A) and technical assistance  
25          under section 1117; and

1           “(2)(A) where educational service agencies  
2           exist, the State educational agency will consider pro-  
3           viding professional development and technical assist-  
4           ance through such agencies; and

5           “(B) where educational service agencies do not  
6           exist, the State educational agency will consider pro-  
7           viding professional development and technical assist-  
8           ance through other cooperative agreements, such as  
9           through a consortium of local educational agencies;

10          “(3) the State educational agency will use the  
11          disaggregated results of the student assessments re-  
12          quired under subsection (b)(4), and other measures  
13          or indicators available to the State, to review annu-  
14          ally the progress of each local educational agency  
15          and school served under this part to determine  
16          whether each such agency and school is making the  
17          annual progress necessary to ensure that all stu-  
18          dents will meet the proficient level of performance  
19          on the assessments described in subsection (b)(4)  
20          within 10 years of the date of enactment of the Pub-  
21          lic Education Reinvestment, Reinvention, and Re-  
22          sponsibility Act;

23          “(4) the State educational agency will provide  
24          the least restrictive and burdensome regulations for  
25          local educational agencies and individual elementary



1 schools and secondary schools participating in a pro-  
2 gram assisted under this part;

3 “(5) the State educational agency will regularly  
4 inform the Secretary and the public in the State of  
5 how Federal laws, if any, hinder the ability of States  
6 to hold local educational agencies and schools ac-  
7 countable for student academic performance;

8 “(6) the State educational agency will encour-  
9 age elementary schools and secondary schools to  
10 consolidate funds from other Federal, State, and  
11 local sources for schoolwide reform in schoolwide  
12 programs under section 1114;

13 “(7) the State educational agency will modify or  
14 eliminate State fiscal and accounting barriers so  
15 that elementary schools and secondary schools can  
16 easily consolidate funds from other Federal, State,  
17 and local sources for schoolwide programs under sec-  
18 tion 1114;

19 “(8) the State educational agency has involved  
20 the committee of practitioners established under sec-  
21 tion 1703(b) (as redesignated by section 161(2)) in  
22 developing and monitoring the implementation of the  
23 State plan; and

24 “(9) the State educational agency will inform  
25 local educational agencies of the local educational

1 agency’s authority to obtain waivers under title VIII  
2 and, if the State is an Ed-Flex Partnership State,  
3 waivers under the Education Flexibility Partnership  
4 Act of 1999.

5 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—  
6 The Secretary shall—

7 “(1) establish a peer review process to assist in  
8 the review of State plans;

9 “(2) only approve a State plan meeting each of  
10 the requirements of this section;

11 “(3) if the Secretary determines that the State  
12 plan does not meet each of the requirements of sub-  
13 section (a), (b), or (c), immediately notify the State  
14 of such determination and the reasons for such de-  
15 termination;

16 “(4) not disapprove a State plan before—

17 “(A) notifying the State educational agen-  
18 cy in writing of the specific deficiencies of the  
19 State plan;

20 “(B) offering the State an opportunity to  
21 revise the State plan;

22 “(C) providing technical assistance in  
23 order to assist the State to meet the require-  
24 ments under subsections (a), (b), and (c); and

25 “(D) providing a hearing;

1           “(5) have the authority to disapprove a State  
2           plan for not meeting the requirements of this sec-  
3           tion, but shall not have the authority to require a  
4           State, as a condition of approval of the State plan,  
5           to include in, or delete from, such plan 1 or more  
6           specific elements of the challenging State content  
7           standards or to use specific assessment instruments  
8           or items; and

9           “(6) require a State to submit a revised State  
10          plan that meets the requirements of this section to  
11          the Secretary for approval not later than 1 year  
12          after the date of enactment of the Public Education  
13          Reinvestment, Reinvention, and Responsibility Act.

14       “(e) DURATION OF THE PLAN.—

15           “(1) IN GENERAL.—Each State plan shall—

16               “(A) remain in effect for the duration of  
17               the State’s participation under this part; and

18               “(B) be periodically reviewed and revised  
19               by the State, as necessary, to reflect changes in  
20               the State’s strategies and programs under this  
21               part.

22           “(2) ADDITIONAL INFORMATION.—If the State  
23           makes significant changes in its State plan, such as  
24           the adoption of new challenging State content stand-  
25           ards and State student performance standards, new

1 assessments, or a new definition of adequate yearly  
2 progress, the State shall submit such information to  
3 the Secretary.

4 “(f) LIMITATION ON CONDITIONS.—Nothing in this  
5 part shall be construed to authorize an officer or employee  
6 of the Federal Government to mandate, direct, or control  
7 a State’s, local educational agency’s, or elementary  
8 school’s or secondary school’s specific challenging content  
9 or student performance standards, assessments, curricula,  
10 or program of instruction, as a condition of eligibility to  
11 receive funds under this part.

12 “(g) PENALTIES.—

13 “(1) IN GENERAL.—If a State fails to meet the  
14 statutory deadlines for demonstrating that the State  
15 has in place challenging content standards and stu-  
16 dent performance standards, assessments, a system  
17 for measuring and monitoring adequate yearly  
18 progress, and a statewide system for holding schools  
19 and local educational agencies accountable for mak-  
20 ing adequate yearly progress with each group of stu-  
21 dents specified in subsection (b)(2)(B)(iv), the State  
22 shall be ineligible to receive any administrative funds  
23 under section 1703(c) that exceed the amount re-  
24 ceived by the State for such purposes in the previous  
25 year.

1           “(2) ADDITIONAL FUNDS.—Based on the extent  
2           to which challenging content standards and student  
3           performance standards, assessments, systems for  
4           measuring and monitoring adequate yearly progress,  
5           and a statewide system for holding schools and local  
6           educational agencies accountable for making ade-  
7           quate yearly progress with each group of students  
8           specified in subsection (b)(2)(B)(iv), are not in  
9           place, the Secretary shall withhold additional admin-  
10          istrative funds in such amount as the Secretary de-  
11          termines appropriate, except that for each additional  
12          year that the State fails to comply with such re-  
13          quirements, the Secretary shall withhold not less  
14          than  $\frac{1}{5}$  of the amount the State receives for admin-  
15          istrative expenses under section 1703(c).

16           “(3) WAIVER.—

17                   “(A) IN GENERAL.—Except as provided in  
18                   subparagraph (B), notwithstanding part D of  
19                   title VIII, the Education Flexibility Partnership  
20                   Act of 1999, or any other provision of law, a  
21                   waiver of this section shall not be granted, ex-  
22                   cept that a State may request a 1-time, 1-year  
23                   waiver to meet the requirements of this section.

24                   “(B) EXCEPTION.—A waiver granted pur-  
25                   suant to subparagraph (A) shall not apply to

1           the requirements described under subsection  
2           (h).

3           “(h) SPECIAL RULE ON SCIENCE STANDARDS AND  
4 ASSESSMENTS.—Notwithstanding subsection (b) and part  
5 D of title IV, no State shall be required to meet the re-  
6 quirements under this title relating to science standards  
7 or assessments until the beginning of the 2005–2006  
8 school year.”.

9 **SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

10          (a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C.  
11 6312(a)(1)) is amended by striking “” and all that follows  
12 and inserting “the Individuals with Disabilities Education  
13 Act, the Carl D. Perkins Vocational and Technical Edu-  
14 cation Act of 1998, the Head Start Act, and other Acts,  
15 as appropriate.”.

16          (b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C.  
17 6312(b)) is amended—

18               (1) by striking “Each” and inserting “In order  
19 to help low-achieving children achieve high stand-  
20 ards, each”;

21               (2) in paragraph (1)—

22                       (A) by striking “part” each place it ap-  
23 pears and inserting “title”; and

24                       (B) in subparagraph (B), by inserting  
25 “low-achieving” before “children”;

1 (3) in paragraph (4)—

2 (A) in subparagraph (A)—

3 (i) by striking “program,” and insert-  
4 ing “programs and”; and

5 (ii) by striking “, and school-to-work  
6 transition programs”; and

7 (B) in subparagraph (B), by striking  
8 “under part C” and all that follows through  
9 “dropping out” and inserting “under part C,  
10 neglected or delinquent youth,”;

11 (4) in paragraph (7), by striking “eligible”;

12 (5) in paragraph (9), by striking the period and  
13 inserting a semicolon; and

14 (6) by adding at the end the following new  
15 paragraphs:

16 “(10) a description of the actions the local edu-  
17 cational agency will take to assist the low-per-  
18 forming schools served by the local educational agen-  
19 cy, including schools identified under section 1116  
20 as in need of improvement; and

21 “(11) a description of how the local educational  
22 agency will promote the use of alternative instruc-  
23 tional methods, and extended learning time, such as  
24 an extended school year, before- and after-school  
25 programs, and summer programs.”.

1       (c) ASSURANCES.—Section 1112(c) (20 U.S.C.  
2 6312(c)) is amended to read as follows:

3       “(c) ASSURANCES.—

4           “(1) IN GENERAL.—Each local educational  
5 agency plan shall provide assurances that the local  
6 educational agency will—

7           “(A) specify the steps the local educational  
8 agency will take to ensure that all teachers in  
9 both schoolwide programs and targeted assist-  
10 ance are fully qualified not later than December  
11 31, 2003 and the strategies the local edu-  
12 cational agency will use to ensure that low-in-  
13 come students and minority students are not  
14 taught at higher rates than other children by  
15 inexperienced, uncertified, or out-of-field teach-  
16 ers, and the measures the agency will use to  
17 evaluate and publicly report progress in improv-  
18 ing the quality of instruction in schools served  
19 by the local educational agency and receiving  
20 funding under this Act;

21           “(B) reserve not less than 10 percent of  
22 the funds the agency receives under this part  
23 for high quality professional development, as  
24 defined in section 1119, for professional in-  
25 struction staff;



1           “(C) provide eligible schools and parents  
2           with information regarding schoolwide project  
3           authority and the ability of such schools to con-  
4           solidate funds from Federal, State, and local  
5           sources;

6           “(D) provide technical assistance and sup-  
7           port to schoolwide programs;

8           “(E) work in consultation with schools as  
9           the schools develop a school plan pursuant to  
10          section 1114(b)(2), and assist schools in imple-  
11          menting such plans or undertaking activities  
12          pursuant to section 1115(c), so that each school  
13          can make adequate yearly progress toward  
14          meeting the challenging State student perform-  
15          ance standards;

16          “(F) use the disaggregated results of the  
17          student assessments required under section  
18          1111(b)(4), and other measures or indicators  
19          available to the agency, to review annually the  
20          progress of each school served by the agency  
21          and receiving funds under this title to deter-  
22          mine whether or not all schools are making the  
23          annual progress necessary to ensure that all  
24          students will meet the proficient level of per-  
25          formance on the assessments described in sec-

tion 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(G) set and hold schools served by the local educational agency accountable for meeting annual numerical goals for improving the performance of all groups of students based on the performance standards set by the State under section 1111(b)(1)(D)(ii);

“(H) fulfill the local educational agency’s school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(9);

“(I) provide the State educational agency with—

“(i) an annual, up-to-date, and accurate list of all schools served by the local educational agency that are eligible for school improvement and corrective action;

“(ii) the reasons why each school described in clause (i) was identified for school improvement or corrective action; and

“(iii) the specific plans for improving student performance in each of the schools

1 described in clause (i), including the spe-  
2 cific numerical achievement goals for the  
3 succeeding 2 school years, for each group  
4 of students specified in section  
5 1111(b)(2)(B)(iv) enrolled in each such  
6 school;

7 “(J) provide services to eligible children at-  
8 tending private elementary schools and sec-  
9 ondary schools in accordance with section 1120,  
10 and provide timely and meaningful consultation  
11 with private school officials regarding such serv-  
12 ices;

13 “(K) take into account the experience of  
14 model programs for the educationally disadvan-  
15 taged and the findings of relevant scientifically  
16 based research when developing technical assist-  
17 ance plans for, and delivering technical assist-  
18 ance to, schools served by the local educational  
19 agency that are receiving funds under this part  
20 and are in school improvement or corrective ac-  
21 tion;

22 “(L) in the case of a local educational  
23 agency that chooses to use funds under this  
24 part to provide early childhood development  
25 services to low-income children below the age of

1 compulsory school attendance, ensure that such  
 2 services comply with the performance standards  
 3 established under section 641A(a) of the Head  
 4 Start Act;

5 “(M) comply with the requirements of sec-  
 6 tion 1119 regarding the qualifications of teach-  
 7 ers and paraprofessionals;

8 “(N) inform eligible schools served by the  
 9 local educational agency of the agency’s author-  
 10 ity to obtain waivers on such school’s behalf  
 11 under title VIII, and if the State is an Ed-Flex  
 12 Partnership State, under the Education Flexi-  
 13 bility Partnership Act of 1999; and

14 “(O) coordinate and collaborate, to the ex-  
 15 tent feasible and necessary as determined by  
 16 the local educational agency, with other agen-  
 17 cies providing services to children, youth, and  
 18 their families.

19 “(2) MODEL PROGRAMS; SCIENTIFICALLY  
 20 BASED RESEARCH.—In carrying out paragraph  
 21 (1)(K)—

22 “(A) the Secretary shall consult with the  
 23 Secretary of Health and Human Services on the  
 24 implementation of such subparagraph, and shall  
 25 establish procedures (taking into consideration

1 existing State and local laws and local teacher  
2 contracts) to assist local educational agencies to  
3 comply with such subparagraph;

4 “(B) the Secretary shall disseminate to  
5 local educational agencies the Head Start per-  
6 formance standards under section 641A(a) of  
7 the Head Start Act upon such standard’s publi-  
8 cation; and

9 “(C) local educational agencies affected by  
10 such subparagraph shall plan for the implemen-  
11 tation of such subparagraph (taking into con-  
12 sideration existing State and local laws, and  
13 local teacher contracts), including pursuing the  
14 availability of other Federal, State, and local  
15 funding sources to assist in compliance with  
16 such subparagraph.

17 “(3) INAPPLICABILITY.—The provisions of this  
18 subsection shall not apply to preschool programs  
19 using the Even Start model or to Even Start pro-  
20 grams.”.

21 (d) PLAN DEVELOPMENT AND DURATION.—Section  
22 1112(d) (20 U.S.C. 6312(d)) is amended to read as fol-  
23 lows:

24 “(d) PLAN DEVELOPMENT AND DURATION.—

1           “(1) CONSULTATION.—Each local educational  
2       agency plan shall be developed in consultation with  
3       teachers, principals, local school boards, administra-  
4       tors (including administrators of programs described  
5       in other parts of this title), other appropriate school  
6       personnel, and parents of children in elementary  
7       schools and secondary schools served under this  
8       part.

9           “(2) DURATION.—Each plan described in para-  
10      graph (1) shall remain in effect for the duration of  
11      the local educational agency’s participation under  
12      this part.

13          “(3) REVIEW.—Each local educational agency  
14      shall periodically review, and as necessary, revise its  
15      plan.”.

16      (e) STATE APPROVAL.—Section 1112(e) (20 U.S.C.  
17 6312(e)) is amended to read as follows:

18      “(e) PEER REVIEW AND STATE APPROVAL.—

19          “(1) IN GENERAL.—Each local educational  
20      agency plan shall be filed according to a schedule es-  
21      tablished by the State educational agency.

22          “(2) APPROVAL.—The State educational agency  
23      shall establish a peer review process to assist in the  
24      review of local educational agency plans. The State  
25      educational agency shall approve a local educational

1 agency plan only if the State educational agency de-  
2 termines that the local educational agency plan—

3 “(A) will enable elementary schools and  
4 secondary schools served by the local edu-  
5 cational agency and under this part to help all  
6 groups of students specified in section  
7 1111(b)(1) meet or exceed the proficient level  
8 of performance on the assessments required  
9 under section 1111(b)(4) within 10 years of the  
10 date of enactment of the Public Education Re-  
11 investment, Reinvention, and Responsibility  
12 Act; and

13 “(B) meets each of the requirements of  
14 this section.

15 “(3) STATE REVIEW.—Each State educational  
16 agency shall at least annually review each local agen-  
17 cy plan approved under this subsection against the  
18 results of the disaggregate assessments required  
19 under section 1111(b)(4) for each local educational  
20 agency to ensure that the progress of all students  
21 in schools served by each local educational agency  
22 under this part is adequate to ensure that all stu-  
23 dents in the State will meet or exceed the proficient  
24 standard level of performance on assessments within  
25 10 years of the date of enactment of the Public Edu-

1 cation Reinvestment, Reinvention, and Responsibility  
2 Act.

3 “(4) PUBLIC REVIEW.—Each State educational  
4 agency will make publicly available each local edu-  
5 cational agency plan.”.

6 (f) PARENTAL NOTIFICATION FOR ENGLISH LAN-  
7 GUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is  
8 amended by adding at the end the following:

9 “(g) PARENTAL NOTIFICATION AND CONSENT FOR  
10 ENGLISH LANGUAGE INSTRUCTION.—

11 “(1) NOTIFICATION.—If a local educational  
12 agency uses funds under this part to provide English  
13 language instruction to limited English proficient  
14 students, the local educational agency shall inform a  
15 parent or the parents of a child participating in an  
16 English language assistance educational program as-  
17 sisted under this part of—

18 “(A) the reasons for the identification of  
19 the child as being in need of English language  
20 instruction;

21 “(B) the child’s level of English pro-  
22 ficiency, how such level was assessed, and the  
23 status of the child’s academic achievement;

24 “(C) how the English language assistance  
25 educational program will specifically help the



1 child learn English and meet age-appropriate  
2 standards for grade promotion and graduation;

3 “(D) the specific exit requirements of the  
4 English language assistance educational pro-  
5 gram;

6 “(E) the expected rate of graduation from  
7 the English language assistance educational  
8 program into mainstream classes; and

9 “(F) the expected rate of graduation from  
10 secondary school if funds under this part are  
11 used for children in secondary schools.

12 “(2) CONSENT; PARENTAL RIGHTS.—

13 “(A) IN GENERAL.—A parent or the par-  
14 ents of a child participating in an English lan-  
15 guage assistance educational program under  
16 this part shall—

17 “(i) have the option of selecting  
18 among methods of instruction, if more  
19 than one method is offered in the program;  
20 and

21 “(ii) have the right to have their child  
22 immediately removed from the program  
23 upon their request.

24 “(B) RECEIPT OF INFORMATION.—A par-  
25 ent or the parents of a child identified for par-

1           ticipation in an English language assistance  
2           educational program under this part shall re-  
3           ceive, in a manner and form understandable to  
4           the parent or parents, the information required  
5           by this subsection. At a minimum, the parent  
6           or parents shall receive—

7                   “(i) timely information about English  
8                   language assistance educational programs  
9                   for limited English proficient children as-  
10                  sisted under this part; and

11                  “(ii) if a parent of a participating  
12                  child so desires, notice of opportunities for  
13                  regular meetings of parents of limited  
14                  English proficient children participating in  
15                  English language assistance educational  
16                  programs under this part for the purpose  
17                  of formulating and responding to rec-  
18                  ommendations from such parents.

19           “(3) BASIS FOR ADMISSION OR EXCLUSION.—

20           No student shall be admitted to or excluded from  
21           any federally assisted education program solely on  
22           the basis of a surname or language minority sta-  
23           tus.”.

1 **SEC. 107. SCHOOLWIDE PROGRAMS.**

2 (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

3 Section 1114(a) (20 U.S.C. 6314(a)) is amended—

4 (1) in paragraph (1), by striking “school de-  
5 scribed in subparagraph (A)” and all that follows  
6 through “such families.” the second place it appears  
7 and inserting “school that serves an eligible school  
8 attendance area in which—

9 “(A) not less than 40 percent of the chil-  
10 dren are from low-income families; or

11 “(B) not less than 40 percent of the chil-  
12 dren enrolled in the school are from such fami-  
13 lies.”; and

14 (2) in paragraph (2)—

15 (A) in subparagraph (A), by striking “sub-  
16 sections (c)(1) and (e) of”; and

17 (B) in subparagraph (B), by striking “sub-  
18 sections (c)(1) and (e) of”.

19 (b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

20 Section 1114(b) (20 U.S.C. 6314(b)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A), by striking “sec-  
23 tion 1111(b)(1)” and inserting “section  
24 1111(b)”;

25 (B) in subparagraph (B)—

1 (i) in clause (i), by striking “section  
2 1111(b)(1)(D)” and inserting “1111(b)”;

3 (ii) in clause (iii)(II), by inserting  
4 “and” after the semicolon;

5 (iii) in clause (iv)(II), by striking “;  
6 and” and inserting a period; and

7 (iv) by striking clause (vii); and

8 (C) in subparagraph (G), by striking “sec-  
9 tion 1112(b)(1)” and inserting “section 1112”;  
10 and

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)—

13 (i) by striking “Improving America’s  
14 Schools Act of 1994” and inserting “Pub-  
15 lic Education Reinvestment, Reinvention,  
16 and Responsibility Act”;

17 (ii) by striking “subsections (c)(1)  
18 and (e) of”; and

19 (iii) in clause (iv), by striking “section  
20 1111(b)(3)” and inserting “section  
21 1111(b)(4)”;

22 (B) in subparagraph (B), by striking  
23 “paragraphs (1) and (3) of section 1111(b)”  
24 and inserting “paragraphs (1) and (4) of sec-  
25 tion 1111(b)”;

1 (C) in subparagraph (C)(i)—

2 (i) in subclause (I), by striking “sub-  
3 sections (c) and (e) of”; and

4 (ii) in subclause (II), by striking “Im-  
5 proving America’s Schools Act of 1994”  
6 and inserting “Public Education Reinvest-  
7 ment, Reinvention, and Responsibility  
8 Act”.

9 **SEC. 108. SCHOOL CHOICE.**

10 Section 1115A (20 U.S.C. 6316) is amended to read  
11 as follows:

12 **“SEC. 1115A. SCHOOL CHOICE.**

13 “(a) CHOICE PROGRAMS.—A local educational agen-  
14 cy may use funds under this part, in combination with  
15 State, local, and private funds, to develop and implement  
16 public school choice programs, for children eligible for as-  
17 sistance under this part, that permit parents to select the  
18 public school that their child will attend and are consistent  
19 with State and local law, policy, and practice related to  
20 public school choice and local pupil transfer.

21 “(b) CHOICE PLAN.—A local educational agency that  
22 chooses to implement a public school choice program  
23 under this section shall first develop a plan that—

1           “(1) contains an assurance that all eligible stu-  
2           dents across grade levels served under this part will  
3           have equal access to the program;

4           “(2) contains an assurance that the program  
5           does not include elementary schools or secondary  
6           schools that follow a racially discriminatory policy;

7           “(3) describes how elementary schools or sec-  
8           ondary schools will use resources under this part,  
9           and from other sources, to implement the plan;

10          “(4) contains an assurance that the plan will be  
11          developed with the involvement of parents and others  
12          in the community to be served, and individuals who  
13          will carry out the plan, including administrators,  
14          teachers, principals, and other staff;

15          “(5) contains an assurance that parents of eli-  
16          gible students served by the local educational agency  
17          will be given prompt notice of the existence of the  
18          public school choice program, the program’s avail-  
19          ability to such parents, and a clear explanation of  
20          how the program will operate;

21          “(6) contains an assurance that the public  
22          school choice program—

23               “(A) shall include charter schools and any  
24               other public elementary school and secondary  
25               school; and

1           “(B) shall not include as a ‘receiving  
2           school’ an elementary school or a secondary  
3           school that—

4                   “(i) is or has been identified as a  
5                   school in, or eligible for, school improve-  
6                   ment or corrective action;

7                   “(ii) has been in school improvement  
8                   or corrective action within the last 2 con-  
9                   secutive academic years; or

10                   “(iii) is at risk of being eligible for  
11                   school improvement within the next school  
12                   year;

13           “(7) contains an assurance that transportation  
14           services or the costs of transportation to and from  
15           the public school choice program—

16                   “(A) may be provided by the local edu-  
17                   cational agency with funds under this part and  
18                   from other sources; and

19                   “(B) shall not be provided from funds  
20                   made available under this part to the local edu-  
21                   cational agency that exceed 10 percent of such  
22                   funds; and

23           “(8) contains an assurance that such local edu-  
24           cational agency will comply with the other require-  
25           ments of this part.”.

1 **SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**  
2 **AND SCHOOL IMPROVEMENT.**

3 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.  
4 6317(a)) is amended—

5 (1) in paragraph (2), by striking  
6 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

7 (2) in paragraph (3)—

8 (A) by striking “individual school perform-  
9 ance profiles” and inserting “school report  
10 cards”;

11 (B) by striking “1111(b)(3)(I)” and in-  
12 serting “1111(b)(4)(I)”;

13 (C) by striking “and” after the semicolon;

14 (3) in paragraph (4), by striking the period and  
15 inserting “; and”; and

16 (4) by adding at the end the following:

17 “(5) review the effectiveness of the actions and  
18 activities the schools are carrying out under this  
19 part with respect to parental involvement assisted  
20 under this Act.”.

21 (b) SCHOOL IMPROVEMENT.—Section 1116(c) (20  
22 U.S.C. 6317(c)) is amended to read as follows:

23 “(c) SCHOOL IMPROVEMENT.—

24 “(1) IN GENERAL.—A local educational agency  
25 shall identify for school improvement any elementary



1 school or secondary school served under this part  
2 that—

3 “(A) for 2 consecutive years failed to make  
4 adequate yearly progress as defined in the  
5 State’s plan under section 1111(b)(2); or

6 “(B) was in, or was eligible for, school im-  
7 provement status under this section on the day  
8 preceding the date of the enactment of the Pub-  
9 lic Education Reinvestment, Reinvention, and  
10 Responsibility Act.

11 “(2) TRANSITION.—The 2-year period described  
12 in paragraph (1)(A) shall include any continuous pe-  
13 riod of time immediately preceding the date of the  
14 enactment of the Public Education Reinvestment,  
15 Reinvention, and Responsibility Act during which an  
16 elementary school or a secondary school did not  
17 make adequate yearly progress as defined in the  
18 State’s plan, as such plan was in effect on the day  
19 preceding the date of enactment of the Public Edu-  
20 cation Reinvestment, Reinvention and Responsibility  
21 Act.

22 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-  
23 termine if an elementary school or a secondary  
24 school that is conducting a targeted assistance pro-  
25 gram under section 1115 should be identified as in

1       need of improvement under this subsection, a local  
2       educational agency may choose to review the  
3       progress of only those students in such school who  
4       are served, or are eligible for services, under this  
5       part.

6               “(4) OPPORTUNITY TO REVIEW AND PRESENT  
7       EVIDENCE.—(A) Before identifying an elementary  
8       school or a secondary school for school improvement  
9       under paragraph (1), the local educational agency  
10      shall provide the school with an opportunity to re-  
11      view the school level data, including assessment  
12      data, on which the proposed identification is based.

13              “(B) If the principal of a school proposed for  
14      identification as in need of school improvement be-  
15      lieves that the proposed identification is in error for  
16      statistical or other substantive reasons, the principal  
17      may provide supporting evidence to the local edu-  
18      cational agency, which the agency shall consider be-  
19      fore making a final determination.

20              “(5) TIME LIMITS.—Not later than 30 days  
21      after a local educational agency makes its initial de-  
22      termination that a school served by the agency and  
23      receiving assistance under this part is eligible for  
24      school improvement, the local educational agency

1 shall make public a final determination on the status  
2 of the school.

3 “(6) NOTIFICATION TO PARENTS.—A local edu-  
4 cational agency shall, in an easily understandable  
5 format, and in the 3 languages, other than English,  
6 spoken by the greatest number of individuals in the  
7 area served by the local educational agency, provide  
8 in writing to parents of each student in an elemen-  
9 tary school or a secondary school identified for  
10 school improvement—

11 “(A) an explanation of what the school im-  
12 provement identification means, and how the  
13 school identified for improvement compares in  
14 terms of academic performance to other elemen-  
15 tary schools or secondary schools served by the  
16 local educational agency and the State edu-  
17 cational agency;

18 “(B) the reasons for such identification;

19 “(C) the data on which such identification  
20 was based;

21 “(D) an explanation of what the school  
22 identified for improvement is doing to address  
23 the problem of low achievement;

24 “(E) an explanation of what the local edu-  
25 cational agency or State educational agency is

1 doing to help the school address its achievement  
2 problems, including the amounts and types of  
3 professional development being provided to the  
4 instructional staff in such school, the amount of  
5 any financial assistance being provided by the  
6 State educational agency under section 1003,  
7 and the activities that are being provided with  
8 such financial assistance;

9 “(F) an explanation of how parents de-  
10 scribed in this paragraph can become involved  
11 in addressing the academic issues that caused  
12 the school to be identified as in need of im-  
13 provement; and

14 “(G) an explanation of the right of par-  
15 ents, pursuant to paragraph (7), to transfer  
16 their child to a higher performing public school,  
17 including a public charter school or magnet  
18 school, that is not in school improvement, and  
19 how such transfer shall operate.

20 “(7) PUBLIC SCHOOL CHOICE OPTION.—

21 “(A) SCHOOLS IDENTIFIED.—

22 “(i) SCHOOLS IN SCHOOL IMPROVE-  
23 MENT ON OR BEFORE DATE OF ENACT-  
24 MENT.—In the case of a school identified  
25 for school improvement on or before the

1 date of enactment of the Public Education  
2 Reinvestment, Reinvention, and Responsi-  
3 bility Act, a local educational agency shall  
4 not later than 18 months after such date  
5 of enactment provide all students enrolled  
6 in the school an option to transfer (con-  
7 sistent with State and local law, policy,  
8 and practices related to public school  
9 choice and local pupil transfer) to any  
10 other higher performing public school, in-  
11 cluding a public charter or magnet school,  
12 that—

13 “(I) has not been identified for  
14 school improvement or corrective ac-  
15 tion;

16 “(II) is not at risk of being iden-  
17 tified for school improvement or cor-  
18 rective action within the succeeding  
19 academic year; and

20 “(III) has not been in corrective  
21 action at any time during the 2 pre-  
22 ceding academic years.

23 “(ii) SCHOOLS IDENTIFIED AFTER  
24 DATE OF ENACTMENT.—In the case of a  
25 school identified for school improvement

1 after the date of enactment of the Public  
2 Education Reinvestment, Reinvention, and  
3 Responsibility Act, a local educational  
4 agency shall not later than 12 months  
5 after the date on which a local educational  
6 agency identifies the school for school im-  
7 provement provide all students enrolled in  
8 the school with the transfer option de-  
9 scribed in clause (i).

10 “(B) COOPERATIVE AGREEMENT.—If all  
11 public schools served by the local educational  
12 agency to which a child may transfer under  
13 clause (i) are identified for school improvement,  
14 the local educational agency shall, to the extent  
15 practicable, establish a cooperative agreement  
16 with other local educational agencies that serve  
17 geographic areas in proximity to the geographic  
18 area served by the local educational agency, to  
19 enable a child to transfer (consistent with State  
20 and local law, policy, and practices related to  
21 public school choice and local pupil transfer) to  
22 a school served by such other local educational  
23 agencies that meets the requirements described  
24 in subparagraph (A)(i).

1           “(C) TRANSPORTATION.—A local edu-  
2           cational agency that serves a school that has  
3           been identified for school improvement shall  
4           provide transportation services or the costs of  
5           such services for children of parents who choose  
6           to transfer their children pursuant to this para-  
7           graph to a different school. Not more than 10  
8           percent of the funds allocated to a local edu-  
9           cational agency under this part may be used to  
10          provide such transportation services or costs of  
11          such services.

12          “(D) CONTINUATION OPTION.—Once a  
13          school is no longer identified for or in school  
14          improvement, the local educational agency shall  
15          continue to provide public school choice as an  
16          option to students in such schools for a period  
17          of not less than 2 years.

18          “(8) SCHOOL PLAN.—(A) Each school identified  
19          under paragraph (1) for school improvement shall,  
20          after being so identified, develop or revise a school  
21          plan, in consultation with parents, school staff, the  
22          local educational agency serving the school, the local  
23          school board, and other outside experts, for approval  
24          by such local educational agency. The school plan  
25          shall—

1           “(i) incorporate scientifically based re-  
2           search strategies that strengthen the core aca-  
3           demic programs in the school and address the  
4           specific academic issues that caused the school  
5           to be identified for school improvement;

6           “(ii) adopt policies and practices in the  
7           school’s core academic program that have the  
8           greatest likelihood of ensuring that all groups  
9           of students specified in section  
10          1111(b)(2)(B)(iv) enrolled in the school will  
11          meet or exceed the State’s proficient level of  
12          performance on the assessment required in sec-  
13          tion 1111(b)(4) within 10 years of the date of  
14          enactment of the Public Education Reinvest-  
15          ment, Reinvention, and Responsibility Act;

16          “(iii) assure that the school will reserve  
17          not less than 10 percent of the funds made  
18          available to it under this part for each fiscal  
19          year that the school is in school improvement  
20          for the purpose of providing the school’s teach-  
21          ers and principal high quality professional de-  
22          velopment that—

23               “(I) directly addresses the academic  
24               achievement problem that caused the



1 school to be identified for school improve-  
2 ment; and

3 “(II) meets the requirements for pro-  
4 fessional development activities under sec-  
5 tion 1119;

6 “(iv) specify how the funds described in  
7 clause (iii) will be used to remove the school  
8 from school improvement status;

9 “(v) establish specific annual, numerical  
10 progress goals for each group of students speci-  
11 fied in section 1111(b)(2)(B)(iv) enrolled in the  
12 school that will ensure that all such groups of  
13 students meet or exceed the State’s proficient  
14 standard level of performance within 10 years  
15 of the date of enactment of the Public Edu-  
16 cation Reinvestment, Reinvention, and Respon-  
17 sibility Act;

18 “(vi) identify how the school will provide  
19 written notification to parents of each child en-  
20 rolled in such school, in a format and, to the  
21 extent practicable, in a language such parents  
22 can understand; and

23 “(vii) specify the responsibilities of the  
24 school, the local educational agency, and the

1 State educational agency serving such school  
2 under the plan.

3 “(B) The local educational agency described in  
4 subparagraph (A)(vi) may condition approval of a  
5 school plan on inclusion of 1 or more of the correc-  
6 tive actions specified in paragraph (10)(C).

7 “(C) A school shall implement the school plan  
8 or revised plan expeditiously, but not later than the  
9 beginning of the school year following the school  
10 year in which the school was identified for improve-  
11 ment.

12 “(D) The local educational agency described in  
13 subparagraph (A)(vi) shall establish a peer review  
14 process to assist with review of a school improve-  
15 ment plan prepared by the school served by the local  
16 educational agency, promptly review the school plan,  
17 work with the school as necessary, and approve the  
18 school plan if the school plan meets the require-  
19 ments of this paragraph.

20 “(9) TECHNICAL ASSISTANCE.—(A) For each  
21 school identified for school improvement under para-  
22 graph (1), the local educational agency serving the  
23 school shall provide technical assistance as the  
24 school develops and implements its school plan.

25 “(B) Such technical assistance—

1           “(i) shall include assistance in analyzing  
2           data from the assessments required under sec-  
3           tion 1111(b)(4), and other samples of student  
4           work, to identify and address instructional  
5           problems and solutions;

6           “(ii) shall include assistance in identifying  
7           and implementing scientifically based instruc-  
8           tional strategies and methods that have proven  
9           effective in addressing the specific instructional  
10          issues that caused the school to be identified for  
11          school improvement;

12          “(iii) shall include assistance in analyzing  
13          and revising the school’s budget such that the  
14          school resources are more effectively focused on  
15          those activities most likely to increase student  
16          achievement and to remove the school from  
17          school improvement status;

18          “(iv) may be provided directly by the local  
19          educational agency, through mechanisms au-  
20          thorized under section 1117, or with the local  
21          educational agency’s approval, by the State edu-  
22          cational agency, an institution of higher edu-  
23          cation in full compliance with all the reporting  
24          provisions of title II of the Higher Education  
25          Act of 1965, a private not-for-profit organiza-

tion or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or other entity with experience in helping schools improve achievement.

“(C) Technical assistance provided under this section by a local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

“(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

“(A) After providing technical assistance under paragraph (9) and subject to subparagraph (F), the local educational agency—

“(i) may take corrective action at any time with respect to a school served by the local educational agency that has been identified under paragraph (1);

“(ii) shall take corrective action with respect to any school served by the local educational agency that fails to make adequate yearly progress, as defined by the

1 State under section 1111(b)(2)(B), after  
2 the end of the second year following the  
3 school year in which the school was identi-  
4 fied under paragraph (1); and

5 “(iii) shall continue to provide tech-  
6 nical assistance while instituting any cor-  
7 rective action under clause (i) or (ii).

8 “(B) As used in this paragraph, the term  
9 ‘corrective action’ means action, consistent with  
10 State and local law, that—

11 “(i) substantially and directly re-  
12 sponds to—

13 “(I) the consistent academic fail-  
14 ure of a school that caused the local  
15 educational agency to take such ac-  
16 tion; and

17 “(II) any underlying staffing,  
18 curricula, or other problem in the  
19 school; and

20 “(ii) is designed to increase substan-  
21 tially the likelihood that students enrolled  
22 in the school subject to corrective action  
23 will perform at the proficient and advanced  
24 performance levels.

1           “(C) In the case of a school described in  
2           subparagraph (A)(ii), the local educational  
3           agency shall take not less than 1 of the fol-  
4           lowing corrective actions:

5                   “(i) Withhold funds from the school.

6                   “(ii) Make alternative governance ar-  
7                   rangements, including reopening the school  
8                   as a public charter school.

9                   “(iii) Reconstitute the relevant school  
10                  staff.

11                  “(iv)(I) Authorize students to transfer  
12                  to other higher performing public schools  
13                  served by the local educational agency, in-  
14                  cluding public charter and magnet schools.

15                  “(II) Provide such students transpor-  
16                  tation services, or the costs of transpor-  
17                  tation, to such schools (except that such  
18                  funds used to provide transportation serv-  
19                  ices or costs of transportation shall not ex-  
20                  ceed 10 percent of the amount authorized  
21                  under section 1122(a)(2)).

22                  “(III) Take not less than 1 additional  
23                  action described under this subparagraph.

24                  “(v) Institute and fully implement a  
25                  new curriculum, including appropriate pro-

1           fessional development for all relevant staff,  
2           that is based upon scientifically based re-  
3           search and offers substantial promise of  
4           improving educational achievement for low-  
5           performing students.

6           “(D) A local educational agency may delay,  
7           for a period not to exceed 1 year, implementa-  
8           tion of corrective action only if the failure to  
9           make adequate yearly progress was justified  
10          due to exceptional or uncontrollable cir-  
11          cumstances, such as a natural disaster or a pre-  
12          cipitous and unforeseen decline in the financial  
13          resources of the local educational agency or  
14          school.

15          “(E) The local educational agency shall  
16          publish and disseminate to the public and to  
17          the parents of each student enrolled in a school  
18          subject to corrective action, in a format and, to  
19          the extent practicable, in a language that the  
20          parents can understand, information regarding  
21          any corrective action the local educational agen-  
22          cy takes under this paragraph through such  
23          means as the Internet, the media, and public  
24          agencies.

1           “(F)(i) Before taking corrective action  
2           with respect to any school under this para-  
3           graph, a local educational agency shall provide  
4           the school an opportunity to review the school  
5           level data, including assessment data, on which  
6           the proposed determination is made.

7           “(ii) If the school believes that the pro-  
8           posed determination is in error for statistical or  
9           other substantive reasons, the school principal  
10          may provide supporting evidence to the local  
11          educational agency, which shall consider such  
12          evidence before making a final determination.

13          “(G) TIME LIMITS.—Not later than 30  
14          days after the local educational agency makes  
15          its initial determination that a school served by  
16          the local educational agency and receiving as-  
17          sistance under this part is eligible for corrective  
18          action, the local educational agency shall make  
19          a final and public determination on the status  
20          of the school.

21          “(11) STATE EDUCATIONAL AGENCY RESPON-  
22          SIBILITIES.—If a State educational agency deter-  
23          mines that a local educational agency failed to carry  
24          out its responsibilities under this section, or deter-  
25          mines that, after 1 year of implementation of the



1       corrective action, such action has not resulted in suf-  
2       ficient progress in increased student performance,  
3       the State educational agency shall take such action  
4       as the agency finds necessary, including designating  
5       a course of corrective action described in paragraph  
6       (10)(C), consistent with this section, to improve the  
7       affected schools and to ensure that the local edu-  
8       cational agency carries out the local educational  
9       agency's responsibilities under this section.

10       “(12) SPECIAL RULES.—Schools that, for at  
11       least 2 of the 3 years following identification under  
12       paragraph (1), make adequate yearly progress to-  
13       ward meeting the State's proficient and advanced  
14       levels of performance shall no longer be identified  
15       for school improvement.”.

16       (c) STATE REVIEW AND LOCAL EDUCATIONAL AGEN-  
17       CY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d))  
18       is amended to read as follows:

19       “(d) STATE REVIEW AND LOCAL EDUCATIONAL  
20       AGENCY IMPROVEMENT.—

21       “(1) IN GENERAL.—A State educational agency  
22       shall annually review the progress of each local edu-  
23       cational agency within the State receiving funds  
24       under this part to determine whether schools served  
25       by such agencies and receiving assistance under this

1 part are making adequate yearly progress, as de-  
 2 fined in section 1111(b)(2), toward meeting the  
 3 State’s student performance standards and to deter-  
 4 mine whether each local educational agency is car-  
 5 rying out its responsibilities under sections 1116 and  
 6 1117.

7 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL  
 8 AGENCY FOR IMPROVEMENT.—A State educational  
 9 agency shall identify for improvement any local edu-  
 10 cational agency that—

11 “(A) for 2 consecutive years fails to make  
 12 adequate yearly progress as defined in the  
 13 State’s plan under section 1111(b)(2); or

14 “(B) had been identified for, or was eligi-  
 15 ble for, improvement under this section as this  
 16 section was in effect on the day preceding the  
 17 date of enactment of the Public Education Re-  
 18 investment, Reinvention, and Responsibility  
 19 Act.

20 “(3) TRANSITION.—The 2-year period described  
 21 in paragraph (2)(A) shall include any continuous pe-  
 22 riod of time immediately preceding the date of the  
 23 enactment of the Public Education Reinvestment,  
 24 Reinvention, and Responsibility Act during which a  
 25 local educational agency did not make adequate

1       yearly progress as defined in the State’s plan, as  
2       such plan was in effect on the day preceding the  
3       date of the enactment of the Public Education Rein-  
4       vestment, Reinvention, and Responsibility Act.

5           “(4) TARGETED ASSISTANCE SCHOOLS.—For  
6       purposes of targeted assistance schools within a local  
7       educational agency, a State educational agency may  
8       choose to review the progress of only the students in  
9       such schools who are served under this part.

10          “(5) OPPORTUNITY TO REVIEW AND PRESENT  
11       EVIDENCE.—(A) Before identifying a local edu-  
12       cational agency for improvement under paragraph  
13       (2), a State educational agency shall provide the  
14       local educational agency with an opportunity to re-  
15       view the local educational agency data, including as-  
16       sessment data, on which the proposed identification  
17       is based.

18          “(B) If the local educational agency believes  
19       that the proposed identification is in error for statis-  
20       tical or other substantive reasons, the local edu-  
21       cational agency may provide supporting evidence to  
22       the State educational agency, which the State edu-  
23       cational agency shall consider before making a final  
24       determination.

1           “(6) TIME LIMITS.—Not later than 45 days  
2           after the State educational agency makes its initial  
3           determination that a local educational agency within  
4           the State and receiving assistance under this part is  
5           eligible for improvement, the State educational agen-  
6           cy shall make public a final determination on the  
7           status of the local educational agency.

8           “(7) NOTIFICATION TO PARENTS.—The State  
9           educational agency shall promptly notify parents of  
10          each student enrolled in a school served by a local  
11          educational agency identified for improvement, in a  
12          format, and to the extent practicable, in a language  
13          the parents can understand, of the reasons for such  
14          agency’s identification and how parents can partici-  
15          pate in upgrading the quality of the local edu-  
16          cational agency.

17          “(8) LOCAL EDUCATIONAL AGENCY REVI-  
18          SIONS.—

19                 “(A) IN GENERAL.—Each local educational  
20                 agency identified under paragraph (2) shall,  
21                 after being so identified, develop or revise a  
22                 local educational agency plan, in consultation  
23                 with the local school board, parents, teachers,  
24                 school staff, and others, for approval by the  
25                 State educational agency. Such plan shall—

1 “(i) incorporate scientifically based re-  
2 search strategies that strengthen the core  
3 academic program in the local educational  
4 agency;

5 “(ii) identify specific annual numerical  
6 academic achievement objectives in at least  
7 the areas of mathematics and English lan-  
8 guage arts that the local educational agen-  
9 cy will meet, with such objectives being cal-  
10 culated in a manner such that their  
11 achievement will ensure that each group of  
12 students enrolled in each school served by  
13 the local educational agency will meet or  
14 exceed the proficient standard level of per-  
15 formance in assessments required under  
16 section 1111(b)(4) within 10 years of the  
17 date of enactment of the Public Education  
18 Reinvestment, Reinvention, and Responsi-  
19 bility Act; and

20 “(iii) assure that the local educational  
21 agency will—

22 “(I) reserve not less than 10 per-  
23 cent of the funds made available to  
24 the local educational agency under  
25 this part for each fiscal year that the

1 agency is in improvement for the pur-  
2 pose of providing high quality profes-  
3 sional development to teachers and  
4 principals at schools served by the  
5 agency and receiving funds under this  
6 part that directly address the aca-  
7 demic achievement problem that  
8 caused the local educational agency to  
9 be identified for improvement and  
10 shall be in keeping with the definition  
11 of professional development provided  
12 in section 1119; and

13 “(II) the improvement plan shall  
14 specify how these funds will be used  
15 to remove the local educational agency  
16 from improvement status;

17 “(iv) identify how the local edu-  
18 cational agency will provide written notifi-  
19 cation to parents described in paragraph  
20 (7) in a format, and to the extent prac-  
21 ticable in a language, that the parents can  
22 understand, pursuant to paragraph (7);

23 “(v) specify the responsibilities of the  
24 State educational agency and the local edu-  
25 cational agency under the plan; and

1 “(vi) include a review of the local edu-  
2 cational agency budget to ensure that re-  
3 sources are focused on those activities that  
4 are most likely to improve student achieve-  
5 ment and to remove the agency from im-  
6 provement status.

7 “(B) PEER REVIEW.—The State edu-  
8 cational agency shall establish a peer review  
9 process to assist with the review of the local  
10 educational agency improvement plan, promptly  
11 review the plan, work with the local educational  
12 agency as necessary, and approve the plan if  
13 the plan meets the requirements of this para-  
14 graph.

15 “(C) DEADLINE FOR IMPLEMENTATION.—  
16 The local educational agency shall implement  
17 the local educational agency plan or revised  
18 plan expeditiously, but not later than the begin-  
19 ning of the school year following the school year  
20 in which the agency was identified for improve-  
21 ment.

22 “(D) RESOURCES REALLOCATION.—If the  
23 local educational agency budget fails to allocate  
24 resources, consistent with, subparagraph  
25 (A)(iv), the State educational agency may direct

1 the local educational agency to reallocate re-  
2 sources to more effective activities.

3 “(9) STATE EDUCATIONAL AGENCY RESPONSIBI-  
4 LITY.—For each local educational agency identi-  
5 fied under paragraph (2), the State educational  
6 agency shall provide technical or other assistance, if  
7 requested, as authorized under section 1117, to bet-  
8 ter enable the local educational agency—

9 “(A) to develop and implement the local  
10 educational agency plan or revised plan as ap-  
11 proved by the State educational agency con-  
12 sistent with the requirements of this section;  
13 and

14 “(B) to work with schools served by the  
15 local educational agency that are identified for  
16 improvement.

17 “(10) TECHNICAL ASSISTANCE.—Technical as-  
18 sistance provided by the State educational agency—

19 “(A) shall include assistance in analyzing  
20 data from the assessments required under sec-  
21 tion 1111(b)(4) to identify and address instruc-  
22 tional problems and solutions;

23 “(B) shall include assistance in identifying  
24 and implementing scientifically based instruc-  
25 tional strategies and methods that have proven



1 effective in addressing the specific instructional  
2 issues that caused the local educational agency  
3 to be identified for improvement;

4 “(C) shall include assistance in analyzing  
5 and revising the local educational agency’s  
6 budget such that the agency’s resources are  
7 more effectively focused on those activities most  
8 likely to increase student achievement and to  
9 remove the agency from improvement status;  
10 and

11 “(D) may be provided by—

12 “(i) the State educational agency; or

13 “(ii) with the local educational agen-  
14 cy’s approval, by an institution of higher  
15 education (in full compliance with all the  
16 reporting provisions of title II of the High-  
17 er Education Act of 1965), a private not-  
18 for-profit or for-profit organization, an  
19 educational service agency, the recipient of  
20 a Federal contract or cooperative agree-  
21 ment as described under section 7005, or  
22 any other entity with experience in helping  
23 schools improve achievement.

24 “(11) RESOURCES REALLOCATION.—The State  
25 educational agency may, as a condition of providing

1 the local educational agency with technical assist-  
2 ance and financial support in developing and car-  
3 rying out an improvement plan, require that the  
4 local educational agency reallocate resources away  
5 from ineffective or inefficient activities to activities  
6 that, through scientific research, have proven to  
7 have the greatest impact on increasing student  
8 achievement and closing the achievement gap be-  
9 tween groups of students.

10 “(12) CORRECTIVE ACTION.—In order to help  
11 students served under this part meet challenging  
12 State standards, each State educational agency shall  
13 implement a system of corrective action in accord-  
14 ance with the following:

15 “(A) After providing technical assistance  
16 under paragraph (10), and subject to subpara-  
17 graph (D), the State educational agency—

18 “(i) shall take corrective action with  
19 respect to any local educational agency  
20 that fails to make adequate yearly  
21 progress, as defined by the State, after the  
22 end of the second year following its identi-  
23 fication under paragraph (2); and

1 “(ii) shall continue to provide tech-  
2 nical assistance while instituting any cor-  
3 rective action under clause (i) or (ii).

4 “(B) As used in this paragraph, the term  
5 ‘corrective action’ means action, consistent with  
6 State law, that—

7 “(i) substantially and directly re-  
8 sponds to—

9 “(I) the consistent academic fail-  
10 ure of schools served by a local edu-  
11 cational agency that caused the State  
12 educational agency to take such action  
13 with respect to the local educational  
14 agency; and

15 “(II) any underlying staffing,  
16 curricular, or other problem in the  
17 schools served by the local educational  
18 agency; and

19 “(ii) is designed to meet the goal of  
20 having all students served under this part  
21 perform at the proficient and advanced  
22 performance levels.

23 “(C) In the case of a local educational  
24 agency described in subparagraph (A)(ii), the

1 State educational agency shall take not less  
2 than 1 of the following corrective actions:

3 “(i) Withhold funds from the local  
4 educational agency.

5 “(ii) Reconstitute the relevant local  
6 educational agency personnel.

7 “(iii) Remove particular schools from  
8 the area served by the local educational  
9 agency, and establish alternative arrange-  
10 ments for public governance and super-  
11 vision of such schools.

12 “(iv) Appoint, through the State edu-  
13 cational agency, a receiver or trustee to ad-  
14 minister the affairs of the local educational  
15 agency in place of the local educational  
16 agency’s superintendent and school board.

17 “(v) Abolish or restructure the local  
18 educational agency.

19 “(vi)(I) Authorize students to transfer  
20 from a school operated by the local edu-  
21 cational agency to a higher performing  
22 public school, including a public charter or  
23 magnet school, operated by another local  
24 educational agency.

1                   “(II) Provide students described in  
2                   subclause (I) transportation services, or  
3                   the costs of transportation, not to exceed  
4                   10 percent of the funds allocated to a local  
5                   educational agency under this part, to such  
6                   higher performing schools or public charter  
7                   schools.

8                   “(III) Take not less than 1 additional  
9                   action described under this subparagraph.

10                  “(D) Prior to implementing any corrective  
11                  action, the State educational agency shall pro-  
12                  vide notice and a opportunity for a hearing to  
13                  the affected local educational agency, if State  
14                  law provides for such notice and opportunity.

15                  “(E) Not later than 45 days after the  
16                  State educational agency makes its initial deter-  
17                  mination that a local educational agency in the  
18                  State and receiving assistance under this part is  
19                  eligible for improvement, the State educational  
20                  agency shall make public a final determination  
21                  on the status of the local educational agency.

22                  “(F) The State educational agency shall  
23                  publish and disseminate to parents described in  
24                  paragraph (7) and the public information re-  
25                  garding any corrective action the State edu-

1           cational agency takes under this paragraph  
2           through such means as the Internet, the media,  
3           and public agencies.

4           “(G) The State educational agency may  
5           delay, for a period not to exceed 1 year, imple-  
6           mentation of corrective action if the local edu-  
7           cational agency’s failure to make adequate year-  
8           ly progress was justified due to exceptional or  
9           uncontrollable circumstances, such as a natural  
10          disaster or a precipitous and unforeseen decline  
11          in the financial resources of the local edu-  
12          cational agency or schools served by the local  
13          educational agency.”.

14 **SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
15 **IMPROVEMENT.**

16          Section 1117 (20 U.S.C. 6318) is amended to read  
17 as follows:

18 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
19 **IMPROVEMENT.**

20          “(a) SYSTEM FOR SUPPORT.—Using funds allocated  
21 under section 1003(a)(1), each State educational agency  
22 shall establish a statewide system of intensive and sus-  
23 tained support and improvement for local educational  
24 agencies, elementary schools, and secondary schools re-  
25 ceiving funds under this part, in order to ensure that all

1 groups of students specified in section 1111 and attending  
2 such schools meet or exceed the proficient standard level  
3 performance on the assessments required by section  
4 1111(b)(4) within 10 years of the date of enactment of  
5 the Public Education Reinvestment, Reinvention, and Re-  
6 sponsibility Act.

7 “(b) PRIORITIES.—In carrying out this section, a  
8 State educational agency shall—

9 “(1) first, provide support and assistance to  
10 local educational agencies and schools identified as  
11 in need of improvement under section 1116;

12 “(2) second, provide support and assistance to  
13 local educational agencies subject to corrective action  
14 under section 1116, and assist elementary schools  
15 and secondary schools, in accordance with section  
16 1116(c)(11), for which a local educational agency  
17 has failed to carry out its responsibilities under sec-  
18 tion 1116(c) (9) and (10); and

19 “(3) third, provide support and assistance to  
20 local educational agencies and schools that are at  
21 risk of being identified as being in need of improve-  
22 ment within the next academic year, participating  
23 under this part.

24 “(c) APPROACHES.—In order to achieve the purpose  
25 described in subsection (a), each statewide system shall

1 provide technical assistance and support through ap-  
2 proaches such as—

3 “(1) school support teams, composed of individ-  
4 uals who are knowledgeable about scientifically  
5 based research, teaching and learning practices, and  
6 particularly about strategies for improving edu-  
7 cational results for low-achieving children; and

8 “(2) designating and using Distinguished Edu-  
9 cators, who are chosen from schools served under  
10 this part that have been especially successful in im-  
11 proving academic achievement.

12 “(d) FUNDS.—Each State educational agency—

13 “(1) shall use funds reserved under section  
14 1003(a)(1), but not used under section 1003(a)(2),  
15 to carry out this section; and

16 “(2) may use State administrative funds au-  
17 thorized under section 1703(c) to carry out this sec-  
18 tion.

19 “(e) ALTERNATIVES.—The State educational agency  
20 may—

21 “(1) devise additional approaches to providing  
22 the technical assistance and support described in  
23 subsection (c), such as providing assistance through  
24 institutions of higher education, educational service  
25 agencies, or other local consortia; and



1 “(2) seek approval from the Secretary to use  
 2 funds under section 1003(a)(2) for such approaches  
 3 as part of the State plan.”.

4 **SEC. 111. PARENTAL INVOLVEMENT CHANGES.**

5 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Section  
 6 1118(a) (20 U.S.C. 6319(a)) is amended—

7 (1) in paragraph (1), by striking “programs,  
 8 activities, and procedures” and inserting “activities  
 9 and procedures”;

10 (2) in paragraph (2), by striking subparagraphs  
 11 (E) and (F) and inserting the following:

12 “(E) conduct, with the involvement of par-  
 13 ents, an annual evaluation of the content and  
 14 effectiveness of the parental involvement policy  
 15 in improving the academic quality of the schools  
 16 served under this part;

17 “(F) involve parents in the activities of the  
 18 schools served under this part; and

19 “(G) promote consumer friendly environ-  
 20 ments within the local educational agency and  
 21 schools served under this part.”;

22 (3) in paragraph (3), by adding at the end the  
 23 following new subparagraph:

1           “(C) Not less than 90 percent of the funds re-  
2       served under subparagraph (A) shall be distributed  
3       to schools served under this part.”.

4       (b) NOTICE.—Section 1118(b)(1) (20 U.S.C.  
5 6319(b)(1)) is amended by inserting after the first sen-  
6 tence “Parents shall be notified of the policy in a format,  
7 and to the extent practicable in a language, that the par-  
8 ents can understand.”.

9       (c) PARENTAL INVOLVEMENT.—Section 1118(c)(4)  
10 (20 U.S.C. 6319(c)(4)) is amended—

11           (1) in subparagraph (B), by striking “school  
12 performance profiles required under section  
13 1116(a)(3)” and inserting “school reports described  
14 under section 4401”;

15           (2) by redesignating subparagraphs (D) and  
16 (E) as subparagraphs (F) and (G), respectively;

17           (3) by inserting after subparagraph (C) the fol-  
18 lowing:

19           “(D) notice of the school’s designation as  
20 a school in need of improvement under section  
21 1116(b), if applicable, and a clear explanation  
22 of what such designation means;

23           “(E) notice of corrective action taken  
24 against the school under section 1116(c)(9) and

1           1116(d)(12), if applicable, and a clear expla-  
2           nation of what such action means;” and

3           (4) in subparagraph (G) (as redesignated by  
4           paragraph (2)), by striking “subparagraph (D)” and  
5           inserting “subparagraph (F)”.

6           (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sec-  
7           tion 1118(e) (20 U.S.C 6319(e)) is amended—

8           (1) in paragraph (1), by striking “National  
9           Educational Goals,”;

10          (2) by redesignating paragraphs (14) and (15)  
11          as paragraphs (16) and (17), respectively;

12          (3) by inserting after paragraph (13) the fol-  
13          lowing:

14               “(14) may establish a district wide parent advi-  
15               sory council to advise on all matters related to pa-  
16               rental involvement in programs supported under this  
17               part;” and

18          (4) by redesignating paragraph (5) as para-  
19          graph (15) and transferring such paragraph to fol-  
20          low paragraph 14 (as redesignated by paragraph  
21          (3));

22          (5) by inserting after paragraph (4) the fol-  
23          lowing:

24               “(5) shall expand the use of electronic commu-  
25               nications among teachers, students, and parents,

1       such as through the use of websites and e-mail com-  
2       munications;”;

3               (6) in paragraph (8), by inserting “, to the ex-  
4       tent practicable, in a language and format the par-  
5       ent can understand” before the semicolon; and

6               (7) in paragraph (15) (as redesignated by para-  
7       graph (4)), by striking “shall” and inserting “may”.

8       (e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C.  
9       6319(f)) is amended by striking “, including” and all that  
10      follows through the period and inserting “and of parents  
11      of migratory children, including providing information and  
12      school reports required under section 1111 and described  
13      in section 4401 in a language and form such parents un-  
14      derstand.”.

15   **SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARA-**  
16                           **PROFESSIONALS.**

17      Title I of the Act (20 U.S.C. 6301 et seq.) is  
18      amended—

19               (1) by redesignating section 1119 (20 U.S.C.  
20       6320) as section 1119A; and

21               (2) by inserting after section 1118 the fol-  
22      lowing:

23   **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**  
24                           **PROFESSIONALS.**

25      “(a) IN GENERAL.—

1           “(1) PLAN.—Each State educational agency re-  
2           ceiving assistance under this part shall develop and  
3           submit to the Secretary a plan to ensure that all  
4           teachers teaching within the State are fully quali-  
5           fied, as defined in section 2001(1), not later than  
6           December 31, 2003. Such plan shall include an as-  
7           surance that the State educational agency will re-  
8           quire each local educational agency and school re-  
9           ceiving funds under this part publicly to report the  
10          annual progress with respect to the local educational  
11          agency’s and school’s performance in increasing the  
12          percentage of classes in core academic areas taught  
13          by fully qualified teachers.

14          “(2) SPECIAL RULE.—Notwithstanding any  
15          other provision of law, the provisions of this section  
16          governing teacher qualifications shall not supersede  
17          State laws governing public charter schools.

18          “(b) NEW PARAPROFESSIONALS.—Each local edu-  
19          cational agency receiving assistance under this part shall  
20          ensure that each paraprofessional hired one year or more  
21          after the effective date of this section, and working in a  
22          program assisted under this part—

23                 “(1) has completed at least the number of  
24                 courses at an institution of higher education in the  
25                 area of elementary education, or in the related sub-

1       ject area in which the paraprofessional is working,  
 2       for a minor degree at such institution;

3               “(2) has obtained an associate’s (or higher) de-  
 4       gree; or

5               “(3) has met a rigorous standard of quality  
 6       that demonstrates, through formal State certifi-  
 7       cation (as established in subsection (h))—

8                       “(A) knowledge of, and the ability to pro-  
 9                       vide tutorial assistance in, reading, writing, and  
 10                      mathematics; or

11                     “(B) knowledge of, and the ability to pro-  
 12                     vide tutorial assistance in, reading readiness,  
 13                     writing readiness, and mathematics readiness,  
 14                     as appropriate.

15       “(c) EXISTING PARAPROFESSIONALS.—Each local  
 16       educational agency receiving assistance under this part  
 17       shall ensure that all paraprofessionals hired before the  
 18       date that is one year after the effective date of the Public  
 19       Education Reinvestment, Reinvention, and Responsibility  
 20       Act, and working in a program supported with funds  
 21       under this part shall, not later than 3 years after such  
 22       effective date, satisfy the requirements of subsection (b).

23       “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-  
 24       TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)  
 25       shall not apply to a paraprofessional—

1           “(1) who is proficient in English and a lan-  
2           guage other than English, and who provides services  
3           primarily to enhance the participation of children in  
4           programs under this part by acting as a translator;  
5           or

6           “(2) whose duties consist solely of conducting  
7           parental involvement activities consistent with sec-  
8           tion 1118 or other school readiness activities that  
9           are noninstructional.

10          “(e) GENERAL REQUIREMENT FOR ALL PARA-  
11 PROFESSIONALS.—Each local educational agency receiving  
12 assistance under this part shall ensure that each para-  
13 professional working in a program assisted under this  
14 part, regardless of the paraprofessional’s hiring date, pos-  
15 sesses a secondary school diploma or its recognized equiva-  
16 lent.

17          “(f) DUTIES OF PARAPROFESSIONALS.—

18               “(1) IN GENERAL.—Each local educational  
19 agency receiving assistance under this part shall en-  
20 sure that a paraprofessional working in a program  
21 assisted under this part is not assigned a duty in-  
22 consistent with this subsection.

23               “(2) AUTHORIZED RESPONSIBILITIES.—A para-  
24 professional described in paragraph (1) may be  
25 assigned—

1           “(A) to provide 1-on-1 tutoring for eligible  
2 students under this part, if the tutoring is  
3 scheduled at a time when the student would not  
4 otherwise receive instruction from a teacher;

5           “(B) to assist with classroom management,  
6 such as organizing instructional and other ma-  
7 terials;

8           “(C) to provide assistance in a computer  
9 laboratory;

10          “(D) to conduct parental involvement ac-  
11 tivities or school readiness activities that are  
12 noninstructional;

13          “(E) to provide support in a library or  
14 media center;

15          “(F) to act as a translator; or

16          “(G) to provide assistance with extra cur-  
17 ricular activities which are noninstructional.

18          “(3) LIMITATIONS.—A paraprofessional de-  
19 scribed in paragraph (1)—

20           “(A) shall not perform the duties of a cer-  
21 tified teacher or a substitute; and

22           “(B) shall not perform any duty assigned  
23 under paragraph (2) unless under the direct su-  
24 pervision of a fully qualified teacher or other  
25 appropriate professional.



1 “(g) USES OF FUNDS.—

2 “(1) PROFESSIONAL DEVELOPMENT.—Notwith-  
3 standing subsection (h)(2), a local educational agen-  
4 cy receiving funds under this part may use such  
5 funds to support ongoing training and professional  
6 development to assist teachers and paraprofessionals  
7 in satisfying the requirements of this section.

8 “(2) LIMITATION ON USE OF FUNDS FOR PARA-  
9 PROFESSIONALS.—

10 “(A) IN GENERAL.—Beginning on the date  
11 of enactment of the Public Education Reinvest-  
12 ment, Reinvention, and Responsibility Act, a  
13 local educational agency may not use funds re-  
14 ceived under this part to fund any paraprofes-  
15 sional hired after such date unless—

16 “(i) the hiring is to fill a vacancy cre-  
17 ated by the departure of another para-  
18 professional funded under this part; or

19 “(ii) the local educational agency can  
20 demonstrate that a significant influx of  
21 population has substantially increased stu-  
22 dent enrollment, or demonstrate an in-  
23 creased need for translators or assistance  
24 with parent involvement activities.

1                   “(B) EXCEPTION.—Subparagraph (A)  
 2                   shall not apply to a local educational agency  
 3                   that can demonstrate to the State that all core  
 4                   classes taught in the schools served by the local  
 5                   educational agency are taught by fully qualified  
 6                   teachers.

7           “(h) STATE CERTIFICATION.—Each State edu-  
 8 cational agency receiving assistance under this part  
 9 shall—

10                   “(1) ensure that the State educational agency  
 11                   has in place State criteria for the certification of  
 12                   paraprofessionals by December 31, 2002; and

13                   “(2) ensure that paraprofessionals hired before  
 14                   December 31, 2003, are in high-quality professional  
 15                   development activities that ensure that the para-  
 16                   professional has the ability to provide tutorial assist-  
 17                   ance in—

18                               “(A) reading, writing, and mathematics; or

19                               “(B) reading readiness, writing readiness,  
 20                   and mathematics readiness, as appropriate.

21           “(i) VERIFICATION OF COMPLIANCE.—

22                   “(1) IN GENERAL.—In verifying compliance  
 23                   with this section, each local educational agency, at  
 24                   a minimum, shall require that the principal of each  
 25                   elementary school and secondary school operating a

1 program under section 1114 or 1115 annually attest  
 2 in writing as to whether each such school is in com-  
 3 pliance with the requirements of this section.

4 “(2) AVAILABILITY OF INFORMATION.—Copies  
 5 of the annual certification described in paragraph  
 6 (1)—

7 “(A) shall be maintained at each elemen-  
 8 tary school and secondary school operating a  
 9 program under section 1114 or 1115 and at the  
 10 main office of the local educational agency; and

11 “(B) shall be available to any member of  
 12 the general public upon request.”.

13 **SEC. 113. PROFESSIONAL DEVELOPMENT.**

14 Section 1119A (as redesignated by section 112(a)) is  
 15 amended—

16 (1) by amending subsection (a) to read as fol-  
 17 lows:

18 “(a) PURPOSE.—The purpose of this section is to as-  
 19 sist each local educational agency receiving assistance  
 20 under this part in increasing the academic achievement  
 21 of eligible children (as identified under section  
 22 1115(b)(1)(B)) (in this section referred to as eligible chil-  
 23 dren) through improved teacher quality.”;

24 (2) in subsection (b)—

1 (A) by amending paragraph (1) to read as  
2 follows:

3 “(1) REQUIRED ACTIVITIES.—Each local edu-  
4 cational agency receiving assistance under this part  
5 shall provide professional development activities  
6 under this section that shall—

7 “(A) give teachers, principals, and admin-  
8 istrators the knowledge and skills to provide eli-  
9 gible children with the opportunity to meet  
10 challenging State or local content standards  
11 and student performance standards;

12 “(B) support the recruiting, hiring, and  
13 training of fully qualified teachers, including  
14 teachers fully qualified through State and local  
15 alternative routes;

16 “(C) advance teacher understanding of ef-  
17 fective instructional strategies, based on sci-  
18 entifically based research, for improving eligible  
19 children achievement, at a minimum, in mathe-  
20 matics, science, and English language arts;

21 “(D) be directly related to the curricula  
22 and content areas in which the teacher provides  
23 instruction;

24 “(E) be designed to enhance the ability of  
25 a teacher to understand and use the State’s

1 standards for the subject area in which the  
2 teacher provides instruction;

3 “(F) be tied to scientifically based research  
4 that demonstrates the effectiveness of such pro-  
5 fessional development activities or programs in  
6 increasing eligible children achievement or sub-  
7 stantially increasing the knowledge and teach-  
8 ing skills of teachers;

9 “(G) be of sufficient intensity and duration  
10 (not to include 1-day or short-term workshops  
11 and conferences) to have a positive and lasting  
12 impact on the teacher’s performance in the  
13 classroom, except that this subparagraph shall  
14 not apply to an activity if such activity is one  
15 component of a long-term comprehensive pro-  
16 fessional development plan established by the  
17 teacher and the teacher’s supervisor based upon  
18 an assessment of their needs, their eligible chil-  
19 dren’s needs, and the needs of the local edu-  
20 cational agency;

21 “(H) be developed with extensive participa-  
22 tion of teachers, principals, parents, administra-  
23 tors of schools, and local school boards of  
24 schools to be served under this part;

“(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curricula and academic content areas in which the teachers provide instruction;

“(J) as a whole, be regularly evaluated for such activities’ impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

“(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and data to inform and instruct classroom practice” before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively; and

1 (iv) by inserting after subparagraph  
2 (G) (as redesignated by clause (iii)) the  
3 following new subparagraph:

4 “(H) instruction in the ways that teachers,  
5 principals, and guidance counselors can work  
6 with parents and students from groups, such as  
7 females and minorities, that are underrep-  
8 resented in careers in mathematics, science, en-  
9 gineering, and technology, to encourage and  
10 maintain the interest of such students in those  
11 careers.”;

12 (3) by striking subsections (f) through (i); and

13 (4) by adding after subsection (e) the following:

14 “(f) CONSOLIDATION OF FUNDS.—Funds provided  
15 under this part that are used for professional development  
16 purposes may be consolidated with funds provided under  
17 title II of this Act and other sources.

18 “(g) DEFINITION.—The term ‘fully qualified’ has the  
19 same meaning given such term in section 2001(1).

20 “(h) SPECIAL RULE.—

21 “(1) IN GENERAL.—No State educational agen-  
22 cy shall require a local educational agency or ele-  
23 mentary school or secondary school to expend a spe-  
24 cific amount of funds for professional development  
25 activities under this part.

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2       apply with respect to requirements under section  
3       1116(d)(9).”.

4   **SEC. 114. FISCAL REQUIREMENTS.**

5       Section 1120A(a) (20 U.S.C. 6322(a)) is amended by  
6       striking “section 14501” and inserting “section 8501”.

7   **SEC. 115. COORDINATION REQUIREMENTS.**

8       Section 1120B (20 U.S.C. 6323) is amended—

9           (1) in subsection (a), by striking “to the extent  
10       feasible” and all that follows through the period and  
11       inserting “in coordination with local Head Start  
12       agencies, and if feasible, other early childhood devel-  
13       opment programs.”;

14          (2) in subsection (b)—

15            (A) in paragraph (3) by striking “and”  
16       after the semicolon;

17            (B) in paragraph (4) by striking the period  
18       and inserting “; and”; and

19            (C) by adding at the end, the following:

20            “(5) linking the educational services provided in  
21       such local educational agency with the services pro-  
22       vided in local Head Start agencies.”.



1 **SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE**  
2 **SECRETARY OF THE INTERIOR.**

3 Section 1121 (20 U.S.C. 6331) is amended to read  
4 as follows:

5 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**  
6 **SECRETARY OF THE INTERIOR.**

7 “(a) RESERVATION OF FUNDS.—From the amount  
8 appropriated for payments to States for any fiscal year  
9 under section 1002(a), the Secretary shall reserve a total  
10 of 1 percent to provide assistance to—

11 “(1) the outlying areas in the amount deter-  
12 mined in accordance with subsection (b); and

13 “(2) the Secretary of the Interior in the amount  
14 necessary to make payments pursuant to subsection  
15 (d).

16 “(b) ASSISTANCE TO OUTLYING AREAS.—

17 “(1) GRANTS AUTHORIZED.—From the amount  
18 made available for a fiscal year under subsection (a),  
19 the Secretary shall award grants to the outlying  
20 areas and freely associated States to carry out the  
21 purposes of this part.

22 “(2) COMPETITIVE GRANTS.—For each of fiscal  
23 years 2000 and 2001, the Secretary shall ensure  
24 that grants are awarded under this subsection on a  
25 competitive basis in accordance with paragraph (3).

1           “(3) REQUIREMENTS AND LIMITATION FOR  
2 COMPETITIVE GRANTS.—

3           “(A) RECOMMENDATIONS.—The Secretary  
4 shall award grants under this subsection on the  
5 basis of the recommendations of the Pacific Re-  
6 gion Educational Laboratory in Honolulu, Ha-  
7 waii.

8           “(B) TERMINATION OF ELIGIBILITY.—  
9 Notwithstanding any other provision of law, the  
10 freely associated States shall not be eligible to  
11 receive funds under this part after September  
12 30, 2001.

13           “(C) ADMINISTRATIVE COSTS.—The Sec-  
14 retary may provide that not more than 5 per-  
15 cent of the amount reserved for grants under  
16 this subsection will be used to pay the adminis-  
17 trative costs of the Pacific Region Educational  
18 Laboratory for services provided under subpara-  
19 graph (A).

20           “(4) SPECIAL RULE.—The provisions of Public  
21 Law 95–134 (91 Stat. 1159) that permit the con-  
22 solidation of grants by the outlying areas shall not  
23 apply to funds provided to the freely associated  
24 States under this subsection.

1           “(5) FUNDING.—The amount reserved by the  
2       Secretary to award grants under this subsection  
3       shall not exceed the amount reserved under this sec-  
4       tion (as this section existed on the day prior to the  
5       date of enactment of the Public Education Reinvest-  
6       ment, Reinvention, and Responsibility Act) for the  
7       freely associated States for fiscal year 1999.

8           “(6) DEFINITIONS.—In this subsection and  
9       subsection (a):

10           “(A) FREELY ASSOCIATED STATES.—The  
11       term ‘freely associated States’ means the Re-  
12       public of the Marshall Islands, the Federated  
13       States of Micronesia, and the Republic of  
14       Palau.

15           “(B) OUTLYING AREA.—The term ‘out-  
16       lying area’ means the United States Virgin Is-  
17       lands, Guam, American Samoa, and the Com-  
18       monwealth of the Northern Mariana Islands.

19           “(c) ALLOTMENT TO THE SECRETARY OF THE INTE-  
20       RIOR.—

21           “(1) IN GENERAL.—The amount allotted for  
22       payments to the Secretary of the Interior under sub-  
23       section (a)(2) for any fiscal year shall be, as deter-  
24       mined pursuant to criteria established by the Sec-

1       retary, the amount necessary to meet the special  
2       educational needs of—

3               “(A) Indian children on reservations served  
4               by elementary and secondary schools for Indian  
5               children operated or supported by the Depart-  
6               ment of the Interior; and

7               “(B) out-of-State Indian children in ele-  
8               mentary and secondary schools in local edu-  
9               cational agencies under special contracts with  
10              the Department of the Interior.

11             “(2) PAYMENTS.—From the amount allotted  
12             for payments to the Secretary of the Interior under  
13             subsection (a)(2), the Secretary of the Interior shall  
14             make payments to local educational agencies, upon  
15             such terms as the Secretary determines will best  
16             carry out the purposes of this part, with respect to  
17             out-of-State Indian children described in paragraph  
18             (1). The amount of such payment may not exceed,  
19             for each such child, the greater of—

20               “(A) 40 percent of the average per pupil  
21               expenditure in the State in which the agency is  
22               located; or

23               “(B) 48 percent of such expenditure in the  
24               United States.”.

1 **SEC. 117. AMOUNTS FOR GRANTS.**

2 Section 1122 (20 U.S.C. 6332) is amended to read  
3 as follows:

4 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**  
5 **TION GRANTS, AND TARGETED GRANTS.**

6 “(a) ALLOCATION FORMULA.—

7 “(1) ALLOCATION TO STATES.—Of the amount  
8 appropriated to carry out this part for each of fiscal  
9 years 2001 through 2005 (each such year, as appro-  
10 priate, shall be referred to in this subsection as the  
11 ‘current fiscal year’), the amount to be allocated to  
12 States for a fiscal year based on population data for  
13 local educational agencies in such States, shall be  
14 equal to the sum of—

15 “(A) an amount equal to the sum of—

16 “(i) the amount made available to  
17 carry out section 1124 (as such section ex-  
18 isted on the day prior to the date of enact-  
19 ment of the Public Education Reinvest-  
20 ment, Reinvention, and Responsibility Act)  
21 for fiscal year 1999; and

22 “(ii) 21.25 percent of the amount, if  
23 any, by which the amount appropriated  
24 under section 1002(a) for the current fis-  
25 cal year exceeds the amount appropriated  
26 under such section (as such section existed

1 on the day prior to the date of enactment  
2 of the Public Education Reinvestment, Re-  
3 invention, and Responsibility Act) for fiscal  
4 year 1999, to be allocated in accordance  
5 with section 1124;

6 “(B) an amount equal to the sum of—

7 “(i) the amount made available to  
8 carry out section 1124A (as such section  
9 existed on the day prior to the date of en-  
10 actment of the Public Education Reinvest-  
11 ment, Reinvention, and Responsibility Act)  
12 for fiscal year 1999; and

13 “(ii) 3.75 percent of the amount, if  
14 any, by which the amount appropriated  
15 under section 1002(a) for the current fis-  
16 cal year exceeds the amount appropriated  
17 under such section (as such section existed  
18 on the day prior to the date of enactment  
19 of the Public Education Reinvestment, Re-  
20 invention, and Responsibility Act) for fiscal  
21 year 1999, to be allocated in accordance  
22 with section 1124A; and

23 “(C) an amount equal to 75 percent of the  
24 amount, if any, by which the amount appro-  
25 priated under section 1002(a) for the current

1       fiscal year exceeds the amount appropriated  
 2       under such section (as such section existed on  
 3       the day prior to the date of enactment of the  
 4       Public Education Reinvestment, Reinvention,  
 5       and Responsibility Act) for fiscal year 1999, to  
 6       be allocated in accordance with section 1125.

7       “(2) ALLOCATION TO LOCAL EDUCATIONAL  
 8       AGENCIES.—Of the total amounts allocated to a  
 9       State under this part for each of fiscal years 2001  
 10      and 2002, 96.5 percent shall be allocated by the  
 11      State educational agency to local educational agen-  
 12      cies, and for each of fiscal years 2003 through 2005,  
 13      95.5 percent shall be allocated to local educational  
 14      agencies, of which—

15           “(A) 75 percent shall be allocated in ac-  
 16           cordance with section 1125;

17           “(B) 21.25 percent shall be allocated in ac-  
 18           cordance with section 1124; and

19           “(C) 3.75 percent shall be allocated in ac-  
 20           cordance with section 1124A.

21      “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-  
 22      PROPRIATIONS.—

23           “(1) IN GENERAL.—If the sums available under  
 24      this part for any fiscal year are insufficient to pay  
 25      the full amounts that all States and local edu-

1        cational agencies are eligible to receive under sec-  
2        tions 1124, 1124A, and 1125 for such fiscal year,  
3        the Secretary shall ratably reduce the allocations to  
4        such States and local educational agencies, subject  
5        to subsections (c) and (d).

6            “(2) ADDITIONAL FUNDS.—If additional funds  
7        become available for making payments under sec-  
8        tions 1124, 1124A, and 1125 for such fiscal year,  
9        allocations that were reduced under paragraph (1)  
10       shall be increased on the same basis as they were re-  
11       duced.

12        “(c) HOLD-HARMLESS AMOUNTS.—

13            “(1) GRANTS TO STATES.—The total amount  
14        allocated to each State under this part in each fiscal  
15        year shall not be less than the amount allocated to  
16        each State in the preceding fiscal year.

17            “(2) GRANTS TO LOCAL EDUCATIONAL AGEN-  
18        CIES.—The total amount allocated to each local edu-  
19        cational agency under this part in each fiscal year  
20        shall not be less than an amount equal to 85 percent  
21        of the amount allocated to each local educational  
22        agency in the preceding fiscal year.

23        “(d) RATABLE REDUCTIONS.—

24            “(1) IN GENERAL.—If the sums made available  
25        under this part for any fiscal year are insufficient to



1 pay the full amounts that all States are eligible to  
 2 receive under subsection (c) for such year, the Sec-  
 3 retary shall ratably reduce such amounts for such  
 4 year.

5 “(2) ADDITIONAL FUNDS.—If additional funds  
 6 become available for making payments under sub-  
 7 section (c) for such fiscal year, amounts that were  
 8 reduced under paragraph (1) shall be increased on  
 9 the same basis as such amounts were reduced.

10 “(e) DEFINITION.—For the purpose of this section  
 11 and sections 1124, 1124A, and 1125, the term ‘State’  
 12 means each of the 50 States, the District of Columbia,  
 13 and the Commonwealth of Puerto Rico.”.

14 **SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
 15 **CIES.**

16 Section 1124 (20 U.S.C. 6333) is amended to read  
 17 as follows:

18 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
 19 **CIES.**

20 “(a) AMOUNT OF GRANTS.—

21 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-  
 22 CIES AND PUERTO RICO.—Except as provided in  
 23 paragraph (3) and in section 1126, the amount of  
 24 a grant that a local educational agency is eligible to

1 receive under this section for a fiscal year shall be  
2 determined by multiplying—

3 “(A) the number of children counted under  
4 subsection (c); and

5 “(B) 40 percent of the average per-pupil  
6 expenditure in the State involved, except that  
7 the amount determined under this subpara-  
8 graph shall not be less than 32 percent or more  
9 than 48 percent, of the average per-pupil ex-  
10 penditure in the United States.

11 “(2) CALCULATION OF GRANTS.—

12 “(A) ALLOCATIONS TO LOCAL EDU-  
13 CATIONAL AGENCIES.—The Secretary shall cal-  
14 culate the amount of grants under this section  
15 on the basis of the number of children counted  
16 under subsection (c) for local educational agen-  
17 cies. For purposes of this subparagraph, the  
18 Secretary and the Secretary of Commerce shall  
19 publicly disclose the reasoning for their deter-  
20 minations under subsection (c) in detail.

21 “(B) ALLOCATIONS TO LARGE AND SMALL  
22 LOCAL EDUCATIONAL AGENCIES.—

23 “(i) APPLICATION OF PROVISION.—  
24 The Secretary shall determine the amount

1 of grant awards under this section for each  
2 large or small local educational agency.

3 “(ii) LARGE AGENCIES.—The amount  
4 of a grant awarded under this section for  
5 each large local educational agency shall be  
6 the amount determined by the Secretary  
7 under clause (i).

8 “(iii) SMALL AGENCIES.—With re-  
9 spect to the amount of a grant awarded  
10 under this section to a small local edu-  
11 cational agency, the State educational  
12 agency may—

13 “(I) provide such grant in an  
14 amount determined by the Secretary  
15 under clause (i); or

16 “(II) use an alternative method  
17 approved by the Secretary to dis-  
18 tribute the portion of the State’s total  
19 grants under this section that is based  
20 on the number of small local edu-  
21 cational agencies.

22 “(iv) ALTERNATIVE METHOD.—An al-  
23 ternative method approved under clause  
24 (iii)(II) shall be based on population data  
25 that the State educational agency deter-

1 mines best reflects the current distribution  
2 of children in poor families among the  
3 State's small local educational agencies  
4 that meet the eligibility criteria of sub-  
5 section (b).

6 “(v) APPEALS.—A small local edu-  
7 cational agency that is dissatisfied with the  
8 determination of its grant amount by the  
9 State educational agency under clause  
10 (iii)(II), may appeal that determination to  
11 the Secretary, who shall respond not later  
12 than 45 days after receipt of such appeal.

13 “(vi) DEFINITION.—In this subpara-  
14 graph:

15 “(I) LARGE LOCAL EDUCATIONAL  
16 AGENCY.—The term ‘large local edu-  
17 cational agency’ means a local edu-  
18 cational agency serving an area with a  
19 total population of 20,000 or more.

20 “(II) SMALL LOCAL EDU-  
21 CATIONAL AGENCY.—The term ‘small  
22 local educational agency’ means a  
23 local educational agency serving an  
24 area with a total population of less  
25 than 20,000.

1 “(3) PUERTO RICO.—

2 “(A) IN GENERAL.—For each fiscal year,  
3 the amount of the grant that the Common-  
4 wealth of Puerto Rico shall be eligible to receive  
5 under this section shall be determined by multi-  
6 plying the number of children counted under  
7 subsection (c) for the Commonwealth of Puerto  
8 Rico by the product of—

9 “(i) the percentage which the average  
10 per pupil expenditure in the Common-  
11 wealth of Puerto Rico is of the lowest aver-  
12 age per pupil expenditure of any of the 50  
13 States; and

14 “(ii) 32 percent of the average per  
15 pupil expenditure in the United States.

16 “(B) MINIMUM PERCENTAGE.—The per-  
17 centage in subparagraph (A)(i) shall not be less  
18 than—

19 “(i) for fiscal year 2000, 75.0 percent;

20 “(ii) for fiscal year 2001, 77.5 per-  
21 cent;

22 “(iii) for fiscal year 2002, 80.0 per-  
23 cent;

24 “(iv) for fiscal year 2003, 82.5 per-  
25 cent; and

1 “(v) for fiscal year 2004, and suc-  
2 ceeding fiscal years, 85.0 percent.

3 “(C) LIMITATION.—If the application of  
4 subparagraph (B) would result in any of the 50  
5 States or the District of Columbia receiving less  
6 under this part than the State or District re-  
7 ceived under this part for the preceding fiscal  
8 year, the percentage shall be the greater of the  
9 percentage described in subparagraph (A)(i) or  
10 the percentage used for the preceding fiscal  
11 year.

12 “(4) DEFINITION.—In this subsection, the term  
13 ‘State’ does not include Guam, American Samoa, the  
14 Virgin Islands, and the Northern Mariana Islands.

15 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-  
16 IFY.—A local educational agency shall be eligible for a  
17 basic grant under this section for any fiscal year only if—

18 “(1) there are 10 or more children counted  
19 under subsection (c) with respect to that agency;  
20 and

21 “(2) such children make up more than 2 per-  
22 cent of the total school-age population in the agen-  
23 cy’s jurisdiction.

24 “(c) CHILDREN TO BE COUNTED.—

1           “(1) CATEGORIES OF CHILDREN.—The number  
2           of children to be counted for purposes of this section  
3           is the aggregate of—

4                   “(A) the number of children ages 5 to 17,  
5                   inclusive, in the school district of the local edu-  
6                   cational agency involved from families below the  
7                   poverty level as determined under paragraph  
8                   (2); and

9                   “(B) the number of children (determined  
10                  under paragraph (4) for either the preceding  
11                  year as described in that paragraph, or for the  
12                  second preceding year, as the Secretary finds  
13                  appropriate) ages 5 to 17, inclusive, in the  
14                  school district of the local educational agency  
15                  involved in institutions for neglected and delin-  
16                  quent children (other than such institutions op-  
17                  erated by the United States), but not counted  
18                  pursuant to subpart 1 of part D for the pur-  
19                  poses of a grant to a State agency, or being  
20                  supported in foster homes with public funds.

21           “(2) DETERMINATION OF NUMBER OF CHIL-  
22           DREN.—

23                   “(A) NUMBER OF CHILDREN BELOW THE  
24                   POVERTY LEVEL.—For purposes of this sub-  
25                   section, the Secretary shall determine the num-

1           ber of children ages 5 to 17, inclusive, from  
2           families below the poverty level on the basis of  
3           the most recent satisfactory data, described in  
4           paragraph (3), that is available from the De-  
5           partment of Commerce.

6           “(B) SPECIAL RULES.—

7                   “(i) DISTRICT OF COLUMBIA AND  
8           PUERTO RICO.—The District of Columbia  
9           and the Commonwealth of Puerto Rico  
10          shall be treated as individual local edu-  
11          cational agencies for purposes of this para-  
12          graph.

13                   “(ii) MULTIPLE COUNTIES.—If a local  
14          educational agency contains 2 or more  
15          counties in their entirety, then each county  
16          will be treated as if such county were a  
17          separate local educational agency for pur-  
18          poses of calculating grants under this part.  
19          The total of grants for such counties shall  
20          be allocated to such local educational agen-  
21          cy and the local educational agency shall  
22          distribute to schools in each county within  
23          such agency a share of the local edu-  
24          cational agency’s total grant in an amount  
25          that is not less than the county’s share of



1           the population counts used to calculate the  
2           local educational agency's grant.

3           “(3) POPULATION UPDATES.—

4           “(A) IN GENERAL.—In fiscal year 2001,  
5           and every 2 years thereafter, the Secretary shall  
6           use updated data on the number of children,  
7           ages 5 to 17, inclusive, from families below the  
8           poverty level for local educational agencies or  
9           counties, as published by the Department of  
10          Commerce, unless the Secretary and the Sec-  
11          retary of Commerce determine that the use of  
12          the updated population data would be inappro-  
13          priate or unreliable.

14          “(B) CRITERIA OF POVERTY.—In deter-  
15          mining the families which are below the poverty  
16          level, the Secretary shall utilize the criteria of  
17          poverty used by the Bureau of the Census in  
18          compiling the most recent decennial census, in  
19          such form as those criteria have been updated  
20          by increases in the Consumer Price Index for  
21          all urban consumers, published by the Bureau  
22          of Labor Statistics.

23          “(C) INAPPROPRIATE OR UNRELIABLE  
24          DATA.—If the Secretary and the Secretary of  
25          Commerce determine that some or all of the

1 data referred to in subparagraph (A) are inap-  
2 propriate or unreliable, the Secretaries shall  
3 publicly disclose the reasons for such deter-  
4 mination.

5 “(4) OTHER CHILDREN TO BE COUNTED.—

6 “(A) IN GENERAL.—For the purposes of  
7 this section, the Secretary shall—

8 “(i) determine the number of children  
9 ages 5 to 17, inclusive, from families above  
10 the poverty line on the basis of the number  
11 of such children from families receiving an  
12 annual income in excess of the annual in-  
13 come current criteria of poverty for pay-  
14 ments under a State program funded  
15 under part A of title IV of the Social Secu-  
16 rity Act; and

17 “(ii) in making a determination under  
18 clause (i), utilize the criteria of poverty  
19 used by the Bureau of the Census in com-  
20 piling the most recent decennial census for  
21 a family of 4 in such form as those criteria  
22 have been updated by increases in the Con-  
23 sumer Price Index for all urban con-  
24 sumers, published by the Bureau of Labor  
25 Statistics.

1           “(B) CASELOAD DATA.—The Secretary  
2           shall determine the number of children de-  
3           scribed in subparagraph (A) and the number of  
4           children ages 5 to 17, inclusive, living in insti-  
5           tutions for neglected or delinquent children, or  
6           being supported in foster homes with public  
7           funds, on the basis of the caseload data for the  
8           month of October of the year preceding the fis-  
9           cal year for which the determination is being  
10          made (using, in the case of children described  
11          in the preceding sentence, the criteria of pov-  
12          erty and the form of such criteria required by  
13          such sentence which were determined for the  
14          calendar year preceding such month of October)  
15          or, to the extent that such data are not avail-  
16          able to the Secretary before January of the cal-  
17          endar year in which the Secretary’s determina-  
18          tion is made, then on the basis of the most re-  
19          cent reliable data available to the Secretary at  
20          the time of such determination. For the purpose  
21          of this section, the Secretary shall consider all  
22          children who are in correctional institutions to  
23          be living in institutions for delinquent children.

24           “(C) COLLECTION AND TRANSMISSION OF  
25          DATA.—The Secretary of Health and Human

1 Services shall collect and transmit the informa-  
2 tion required by this subparagraph to the Sec-  
3 retary not later than January 1 of each year.

4 “(5) ESTIMATE.—When requested by the Sec-  
5 retary, the Secretary of Commerce shall make a spe-  
6 cial updated estimate of the number of children of  
7 such ages who are from families below the poverty  
8 level in each school district, and the Secretary may  
9 pay (either in advance or by way of reimbursement)  
10 the Secretary of Commerce the cost of making this  
11 special estimate. The Secretary of Commerce shall  
12 give consideration to any request of the chief execu-  
13 tive of a State for the collection of additional census  
14 information.

15 “(d) STATE MINIMUM.—Notwithstanding section  
16 1122, the aggregate amount allotted for all local edu-  
17 cational agencies within a State may not be less than the  
18 lesser of—

19 “(1) 0.25 percent of total amount of grants  
20 awarded under this section; or

21 “(2) the average of—

22 “(A) one-quarter of 1 percent of the total  
23 amount available for such fiscal year under this  
24 section; and

1           “(B) the number of children in such State  
 2           counted under subsection (c) in the fiscal year  
 3           multiplied by 150 percent of the national aver-  
 4           age per pupil payment made with funds avail-  
 5           able under this section for that year.”.

6 **SEC. 119. CONCENTRATION GRANTS.**

7           Section 1124A (20 U.S.C. 6334.) is amended to read  
 8 as follows:

9 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
 10 **CATIONAL AGENCIES.**

11           “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

12           “(1) ELIGIBILITY.—

13           “(A) IN GENERAL.—Except as otherwise  
 14           provided in this paragraph, each local edu-  
 15           cational agency in a State other than Guam,  
 16           American Samoa, the Virgin Islands, and the  
 17           Commonwealth of the Northern Mariana Is-  
 18           lands, that is eligible for a grant under section  
 19           1124 for any fiscal year shall be eligible for an  
 20           additional grant under this section for that fis-  
 21           cal year if the number of children counted  
 22           under section 1124(c) with respect to the agen-  
 23           cy exceeds—

24           “(i) 6,500; or

1 “(ii) 15 percent of the total number of  
2 children ages 5 through 17, inclusive, in  
3 the agency.

4 “(B) MINIMUM AMOUNT.—Notwith-  
5 standing section 1122, no State described in  
6 subparagraph (A) shall receive an amount  
7 under this section that is less than the lesser  
8 of—

9 “(i) 0.25 percent of the total amount  
10 of grants awarded under this section; or

11 “(ii) the average of—

12 “(I) one-quarter of 1 percent of  
13 the amounts made available to carry  
14 out this section for such fiscal year;  
15 and

16 “(II) the greater of—

17 “(aa) \$340,000; or

18 “(bb) the number of chil-  
19 dren in such State counted for  
20 purposes of this section in that  
21 fiscal year multiplied by 150 per-  
22 cent of the national average per  
23 pupil payment made with funds  
24 available under this section for  
25 that year.

1           “(2) SPECIAL RULE.—For each local edu-  
2           cational agency eligible to receive an additional  
3           grant under this section for any fiscal year the Sec-  
4           retary shall determine the product of—

5                   “(A) the number of children counted under  
6                   section 1124(c) for that fiscal year; and

7                   “(B) the quotient resulting from the divi-  
8                   sion of the amount determined for those agen-  
9                   cies under section 1124(a)(1) for the fiscal year  
10                  for which the determination is being made di-  
11                  vided by the total number of children counted  
12                  under section 1124(c) for that agency for that  
13                  fiscal year.

14           “(3) AMOUNT.—The amount of an additional  
15           grant for which an eligible local educational agency  
16           is eligible under this section for any fiscal year shall  
17           be an amount that bears the same ratio to the  
18           amount available to carry out this section for that  
19           fiscal year as the product determined under para-  
20           graph (2) for such local educational agency for that  
21           fiscal year bears to the sum of such product for all  
22           local educational agencies in the United States for  
23           that fiscal year.

1           “(4) LOCAL ALLOCATIONS.—Grant amounts  
2           under this section shall be determined in accordance  
3           with section 1124(a)(2) and (3).

4           “(b) STATES RECEIVING MINIMUM GRANTS.—With  
5           respect to a State that receives a grant for the minimum  
6           amount under subsection (a)(1)(B), the State educational  
7           agency shall allocate such amount among the local edu-  
8           cational agencies in each State either—

9           “(1) in accordance with paragraphs (2) and (4)  
10          of subsection (a); or

11          “(2) based on their respective concentrations  
12          and numbers of children counted under section  
13          1124(c), except that only those local educational  
14          agencies with concentrations or numbers of children  
15          counted under section 1124(c) that exceed the state-  
16          wide average percentage of such children or the  
17          statewide average number of such children shall re-  
18          ceive any funds on the basis of this paragraph.”.

19 **SEC. 120. TARGETED GRANTS.**

20          Section 1125 (20 U.S.C 6335) is amended to read  
21          as follows:

22 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
23 **AGENCIES.**

24          “(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-  
25          CIES.—A local educational agency in a State shall be eligi-



1 ble to receive a targeted grant under this section for any  
 2 fiscal year if the number of children in the local edu-  
 3 cational agency counted under subsection 1124(c), before  
 4 the application of the weighting factor described in sub-  
 5 section (c), is at least 10, and if the number of children  
 6 counted for grants under section 1124 is at least 5 percent  
 7 of the total population age 5 to 17 years, inclusive, in the  
 8 local educational agency.

9 “(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,  
 10 THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

11 “(1) IN GENERAL.—The amount of a grant  
 12 that a local educational agency in a State or that the  
 13 District of Columbia is eligible to receive under this  
 14 section for any fiscal year shall be equal to the prod-  
 15 uct of—

16 “(A) the weighted child count determined  
 17 under subsection (c); and

18 “(B) the amount determined under section  
 19 1124(a)(1)(B).

20 “(2) PUERTO RICO.—For each fiscal year, the  
 21 amount of the grant for which the Commonwealth of  
 22 Puerto Rico is eligible to receive under this section  
 23 shall be equal to the number of children counted  
 24 under subsection (c) for Puerto Rico, multiplied by  
 25 the amount determined under section 1124(a)(4).

1 “(c) WEIGHTED CHILD COUNT.—

2 “(1) IN GENERAL.—For each fiscal year, the  
3 weighted child count used to determine a local edu-  
4 cational agency’s grant under this section shall be  
5 equal to the sum of—

6 “(A) the number of children determined  
7 under section 1124(c) for that local educational  
8 agency constituting up to 14.265 percent, inclu-  
9 sive, of the agency’s total population ages 5 to  
10 17, inclusive, multiplied by 1.0;

11 “(B) the number of such children consti-  
12 tuting more than 14.265 percent, but not more  
13 than 21.553 percent, of such population, multi-  
14 plied by 1.75;

15 “(C) the number of such children consti-  
16 tuting more than 21.553 percent, but not more  
17 than 29.223 percent, of such population, multi-  
18 plied by 2.5;

19 “(D) the number of such children consti-  
20 tuting more than 29.223 percent, but not more  
21 than 36.538 percent, of such population, multi-  
22 plied by 3.25; and

23 “(E) the number of such children consti-  
24 tuting more than 36.538 percent of such popu-  
25 lation, multiplied by 4.0.

1           “(2) PUERTO RICO.—Notwithstanding subpara-  
2           graph (A), the weighted child count for Puerto Rico  
3           under this paragraph shall not be greater than the  
4           total number of children counted under section  
5           1124(c) multiplied by 1.72.

6           “(d) CALCULATION OF GRANT AMOUNTS.—Grants  
7           under this section shall be calculated in accordance with  
8           section 1124(a)(2) and (3).

9           “(e) STATE MINIMUM.—Notwithstanding any other  
10          provision of this section or section 1122, from the total  
11          amount made available for any fiscal year to carry out  
12          this section, each State shall be allotted at least the lesser  
13          of—

14               “(1) 0.25 percent of the total amount of grants  
15          awarded under this section; or

16               “(2) the average of—

17                       “(A) one-quarter of 1 percent of the total  
18                       amount available for such fiscal year to carry  
19                       out this section; and

20                       “(B) 150 percent of the national average  
21                       grant under this section per child described in  
22                       section 1124(c), without application of a  
23                       weighting factor, multiplied by the State’s total  
24                       number of children described in section

1           1124(c), without application of a weighting fac-  
2           tor.”.

3 **SEC. 121. SPECIAL ALLOCATION PROCEDURES.**

4           Section 1126 (20 U.S.C. 6337) is amended to read  
5 as follows:

6 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

7           “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

8           “(1) IN GENERAL.—If a State educational  
9           agency determines that a local educational agency in  
10          the State is unable or unwilling to provide for the  
11          special educational needs of children who are living  
12          in institutions for neglected children as described in  
13          subparagraph (B) of section 1124(c)(1), the State  
14          educational agency shall, if such agency assumes re-  
15          sponsibility for the special educational needs of such  
16          children, receive the portion of such local educational  
17          agency’s allocation under sections 1124, 1124A, and  
18          1125 that is attributable to such children.

19          “(2) SPECIAL RULE.—If the State educational  
20          agency does not assume the responsibility described  
21          in paragraph (1), any other State or local public  
22          agency that does assume such responsibility shall re-  
23          ceive that portion of the local educational agency’s  
24          allocation.

1       “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL  
2 AGENCIES.—The State educational agency may allocate  
3 the amounts of grants under sections 1124, 1124A, and  
4 1125 among the affected local educational agencies—

5           “(1) if 2 or more local educational agencies  
6 serve, in whole or in part, the same geographical  
7 area;

8           “(2) if a local educational agency provides free  
9 public education for children who reside in the  
10 school district of another local educational agency;  
11 or

12           “(3) to reflect the merger, creation, or change  
13 of boundaries of 1 or more local educational agen-  
14 cies.

15       “(c) REALLOCATION.—If a State educational agency  
16 determines that the amount of a grant that a local edu-  
17 cational agency would receive under sections 1124, 1124A,  
18 and 1125 is more than such local agency will use, the  
19 State educational agency shall make the excess amount  
20 available to other local educational agencies in the State  
21 that need additional funds in accordance with criteria es-  
22 tablished by the State educational agency.”.

1       **PART B—EVEN START FAMILY LITERACY**  
2                               **PROGRAMS**

3   **SEC. 131. PROGRAM AUTHORIZED.**

4       Section 1202(c) (20 U.S.C. 6362(c)) is amended—

5               (1) in paragraph (1), by striking “section  
6       2260(b)(3)” and inserting “section 7005(c”;

7               (2) by striking paragraph (2)(C); and

8               (3) in paragraph (3)—

9                       (A) by striking “is defined” and inserting  
10              “was defined”; and

11                     (B) by inserting “as such section was in  
12              effect on the day preceding the date of enact-  
13              ment of the Public Education Reinvestment,  
14              Reinvention, and Responsibility Act” after  
15              “2252”.

16   **SEC. 132. APPLICATIONS.**

17       Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is  
18   amended by striking “the Goals 2000” and all that follows  
19   through the period and inserting “or other Acts, as appro-  
20   priate, consistent with section 8305.”.

21   **SEC. 133. RESEARCH.**

22       Section 1211(b) (20 U.S.C. 6396b(b)) is amended to  
23   read as follows:

24       “(b) DISSEMINATION.—The Secretary shall dissemi-  
25   nate, or designate another entity to disseminate, the re-

1 sults of the research described in subsection (a) to States  
 2 and recipients of subgrants under this part.”.

3 **PART C—EDUCATION OF MIGRATORY CHILDREN**

4 **SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERV-**  
 5 **ICE-DELIVERY PLAN; AUTHORIZED ACTIVI-**  
 6 **TIES.**

7 Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is  
 8 amended—

9 (1) in subparagraph (A), by striking “the Goals  
 10 2000” and all that follows through the period and  
 11 inserting “or other Acts, as appropriate, consistent  
 12 with section 8305;”;

13 (2) in subparagraph (B), by striking “section  
 14 14302” and inserting “section 8302”; and

15 (3) in subparagraph (F), by striking “bilingual  
 16 education” and all that follows and inserting “lan-  
 17 guage instruction programs under title III; and”.

18 **PART D—PREVENTION AND INTERVENTION PRO-**  
 19 **GRAMS FOR CHILDREN AND YOUTH WHO**  
 20 **ARE NEGLECTED, DELINQUENT, OR AT RISK**  
 21 **OF DROPPING OUT**

22 **SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.**

23 Section 1414 (20 U.S.C. 6434) is amended—

24 (1) in subsection (a)(1), by striking “the Goals  
 25 2000” and all that follows through the period and

1 inserting “or other Acts, as appropriate, consistent  
2 with section 8305.”; and

3 (2) in subsection (c)—

4 (A) in paragraph (6), by striking “section  
5 14701” and inserting “section 8701”; and

6 (B) in paragraph (7), by striking “section  
7 14501” and inserting “section 8501”.

8 **SEC. 152. USE OF FUNDS.**

9 Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is  
10 amended by striking “section 14701” and inserting “sec-  
11 tion 8701”.

12 **PART E—FEDERAL EVALUATIONS,**  
13 **DEMONSTRATIONS, AND TRANSITION PROJECTS**

14 **SEC. 161. EVALUATIONS.**

15 Section 1501 (20 U.S.C. 6491) is amended—

16 (1) in subsection (a)(4)—

17 (A) by striking “January 1, 1996” and in-  
18 serting “January 1, 2002”; and

19 (B) by striking “January 1, 1999” and in-  
20 serting “January 1, 2005”;

21 (2) in subsection (b)(1), by striking “December  
22 31, 1997” and inserting “December 31, 2003”; and

23 (3) in subsection (e)(2), by striking “December  
24 31, 1996” and inserting “December 31, 2002”.



1 **SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

2 Section 1502 (20 U.S.C. 6492) is amended to read  
3 as follows:

4 **“SEC. 1502. COMPREHENSIVE SCHOOL REFORM.**

5 “(a) FINDINGS AND PURPOSE.—

6 “(1) FINDINGS.—Congress finds the following:

7 “(A) A number of schools across the coun-  
8 try have shown impressive gains in student per-  
9 formance through the use of comprehensive  
10 models for schoolwide change that incorporate  
11 virtually all aspects of school operations.

12 “(B) No single comprehensive school re-  
13 form model may be suitable for every school,  
14 however, schools should be encouraged to exam-  
15 ine successful, externally developed comprehen-  
16 sive school reform approaches as they under-  
17 take comprehensive school reform.

18 “(C) Comprehensive school reform is an  
19 important means by which children are assisted  
20 in meeting challenging State student perform-  
21 ance standards.

22 “(2) PURPOSE.—The purpose of this section is  
23 to provide financial incentives for schools to develop  
24 comprehensive school reforms, based upon scientif-  
25 ically based research and effective practices that in-  
26 clude an emphasis on basic academics and parental

1 involvement so that all children can meet challenging  
2 State content and performance standards.

3 “(b) PROGRAM AUTHORIZED.—

4 “(1) IN GENERAL.—The Secretary is authorized  
5 to provide grants to State educational agencies to  
6 provide subgrants to local educational agencies to  
7 carry out the purpose described in subsection (a)(2).

8 “(2) ALLOCATION.—

9 “(A) RESERVATION.—Of the amount ap-  
10 propriated under this section, the Secretary  
11 may reserve—

12 “(i) not more than 1 percent for  
13 schools supported by the Bureau of Indian  
14 Affairs and in the United States Virgin Is-  
15 lands, Guam, American Samoa, and the  
16 Commonwealth of the Northern Mariana  
17 Islands; and

18 “(ii) not more than 1 percent to con-  
19 duct national evaluation activities de-  
20 scribed under subsection (e).

21 “(B) IN GENERAL.—Of the amount of  
22 funds remaining after the reservation under  
23 subparagraph (A), the Secretary shall allocate  
24 to each State for a fiscal year, an amount that  
25 bears the same ratio to the amount appro-

1           priated for that fiscal year as the amount made  
2           available under section 1124 to the State for  
3           the preceding fiscal year bears to the total  
4           amount allocated under section 1124 to all  
5           States for that year.

6           “(C) REALLOCATION.—If a State does not  
7           apply for funds under this section, the Sec-  
8           retary shall reallocate such funds to other  
9           States that do apply in proportion to the  
10          amount allocated to such States under subpara-  
11          graph (B).

12       “(c) STATE AWARDS.—

13           “(1) STATE APPLICATION.—

14           “(A) IN GENERAL.—Each State edu-  
15           cational agency that desires to receive a grant  
16           under this section shall submit an application to  
17           the Secretary at such time, in such manner and  
18           containing such other information as the Sec-  
19           retary may reasonably require.

20           “(B) CONTENTS.—Each State application  
21           shall also describe—

22                   “(i) the process and selection criteria  
23                   by which the State educational agency,  
24                   using expert review, will select local edu-

1           cational agencies to receive subgrants  
2           under this section;

3           “(ii) how the agency will ensure that  
4           only comprehensive school reforms that are  
5           based on scientifically based research re-  
6           ceive funds under this section;

7           “(iii) how the agency will disseminate  
8           materials regarding information on com-  
9           prehensive school reforms that are based  
10          on scientifically based research;

11          “(iv) how the agency will evaluate the  
12          implementation of such reforms and meas-  
13          ure the extent to which the reforms re-  
14          sulted in increased student academic per-  
15          formance; and

16          “(v) how the agency will provide, upon  
17          request, technical assistance to the local  
18          educational agency in evaluating, devel-  
19          oping, and implementing comprehensive  
20          school reform.

21          “(2) USES OF FUNDS.—

22          “(A) IN GENERAL.—Except as provided in  
23          subparagraph (E), a State educational agency  
24          that receives an award under this section shall  
25          use such funds to provide competitive grants to

1 local educational agencies receiving funds under  
2 part A.

3 “(B) GRANT REQUIREMENTS.—A grant to  
4 a local educational agency shall be—

5 “(i) of sufficient size and scope to  
6 support the initial costs for the particular  
7 comprehensive school reform plan selected  
8 or designed by each school identified in the  
9 application of the local educational agency;

10 “(ii) in an amount not less than  
11 \$50,000 to each participating school; and

12 “(iii) renewable for two additional 1-  
13 year periods after the initial 1-year grant  
14 is made if schools are making substantial  
15 progress in the implementation of their re-  
16 forms.

17 “(C) PRIORITY.—The State, in awarding  
18 grants under this paragraph, shall give priority  
19 to local educational agencies that—

20 “(i) plan to use the funds in schools  
21 identified as being in need of improvement  
22 or corrective action under section 1116(c);  
23 and

24 “(ii) demonstrate a commitment to  
25 assist schools with budget allocation, pro-

1           fessional development, and other strategies  
2           necessary to ensure the comprehensive  
3           school reforms are properly implemented  
4           and are sustained in the future.

5           “(D) GRANT CONSIDERATION.—In making  
6           subgrant awards under this part, the State edu-  
7           cational agency shall take into account the equi-  
8           table distribution of awards to different geo-  
9           graphic regions within the State, including  
10          urban and rural areas, and to schools serving  
11          elementary and secondary students.

12          “(E) ADMINISTRATIVE COSTS.—A State  
13          educational agency that receives a grant award  
14          under this section may reserve not more than 5  
15          percent of such award for administrative, eval-  
16          uation, and technical assistance expenses.

17          “(F) SUPPLEMENT.—Funds made avail-  
18          able under this section shall be used to supple-  
19          ment, not supplant, any other Federal, State,  
20          or local funds that would otherwise be available  
21          to carry out this section.

22          “(3) REPORTING.—Each State educational  
23          agency that receives an award under this section  
24          shall provide to the Secretary such information as  
25          the Secretary may require, including the names of

1 local educational agencies and schools selected to re-  
2 ceive subgrant awards under this section, the  
3 amount of such award, and a description of the com-  
4 prehensive school reform model selected and in use.

5 “(d) LOCAL AWARDS.—

6 “(1) IN GENERAL.—Each local educational  
7 agency that applies for a subgrant under this section  
8 shall—

9 “(A) identify which schools eligible for  
10 funds under part A plan to implement a com-  
11 prehensive school reform program, including the  
12 projected costs of such a program;

13 “(B) describe the scientifically based com-  
14 prehensive school reforms that such schools will  
15 implement;

16 “(C) describe how the agency will provide  
17 technical assistance and support for the effec-  
18 tive implementation of the scientifically based  
19 school reforms selected by such schools; and

20 “(D) describe how the agency will evaluate  
21 the implementation of such reforms and meas-  
22 ure the results achieved in improving student  
23 academic performance.

24 “(2) COMPONENTS OF THE PROGRAM.—A local  
25 educational agency that receives a subgrant award

1       under this section shall provide such funds to  
2       schools that implement a comprehensive school re-  
3       form program that—

4               “(A) employs innovative strategies and  
5               proven methods for student learning, teaching,  
6               and school management that are based on sci-  
7               entifically based research and effective practices  
8               and have been replicated successfully in schools  
9               with diverse characteristics;

10              “(B) integrates a comprehensive design for  
11              effective school functioning, including instruc-  
12              tion, assessment, classroom management, pro-  
13              fessional development, parental involvement,  
14              and school management, that aligns the school’s  
15              curriculum, technology, professional develop-  
16              ment into a comprehensive reform plan for  
17              schoolwide change designed to enable all stu-  
18              dents to meet challenging State content and  
19              challenging student performance standards and  
20              addresses needs identified through a school  
21              needs assessment;

22              “(C) provides high-quality and continuous  
23              teacher and staff professional development;



1           “(D) includes measurable goals for student  
2           performance and benchmarks for meeting such  
3           goals;

4           “(E) is supported by teachers, principals,  
5           administrators, and other professional staff;

6           “(F) provides for the meaningful involve-  
7           ment of parents and the local community in  
8           planning and implementing school improvement  
9           activities;

10          “(G) uses high quality external technical  
11          support and assistance from an entity, which  
12          may be an institution of higher education, with  
13          experience and expertise in schoolwide reform  
14          and improvement;

15          “(H) includes a plan for the evaluation of  
16          the implementation of school reforms and the  
17          student results achieved; and

18          “(I) identifies how other resources, includ-  
19          ing Federal, State, local, and private resources,  
20          available to the school will be used to coordinate  
21          services to support and sustain the school re-  
22          form effort.

23          “(3) SPECIAL RULE.—A school that receives  
24          funds to develop a comprehensive school reform pro-  
25          gram shall not be limited to using the approaches

1 identified or developed by the Department of Edu-  
2 cation, but may develop its own comprehensive  
3 school reform programs for schoolwide change that  
4 comply with paragraph (2).

5 “(e) EVALUATION AND REPORT.—

6 “(1) IN GENERAL.—The Secretary shall develop  
7 a plan for a national evaluation of the programs de-  
8 veloped pursuant to this section.

9 “(2) EVALUATION.—This national evaluation  
10 shall evaluate the implementation and results  
11 achieved by schools after 3 years of implementing  
12 comprehensive school reforms, and assess the effec-  
13 tiveness of comprehensive school reforms in schools  
14 with diverse characteristics.

15 “(3) REPORTS.—Prior to the completion of a  
16 national evaluation, the Secretary shall submit an  
17 interim report outlining first year implementation  
18 activities to the Committees on Education and the  
19 Workforce and Appropriations of the House of Rep-  
20 resentatives and the Committees on Health, Edu-  
21 cation, Labor, and Pensions and Appropriations of  
22 the Senate.

23 “(f) DEFINITION.—The term ‘scientifically based  
24 research’—

1 “(1) means the application of rigorous, system-  
 2 atic, and objective procedures in the development of  
 3 comprehensive school reform models; and

4 “(2) shall include research that—

5 “(A) employs systematic, empirical meth-  
 6 ods that draw on observation or experiment;

7 “(B) involves rigorous data analyses that  
 8 are adequate to test the stated hypotheses and  
 9 justify the general conclusions drawn;

10 “(C) relies on measurements or observa-  
 11 tional methods that provide valid data across  
 12 evaluators and observers and across multiple  
 13 measurements and observations; and

14 “(D) has been accepted by a peer-reviewed  
 15 journal or approved by a panel of independent  
 16 experts through a comparably rigorous, objec-  
 17 tive, and scientific review.

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 19 appropriated for any fiscal year under section 1002(f)  
 20 shall be used for carrying out the activities under this sec-  
 21 tion.”.

22 **PART F—RURAL EDUCATION DEVELOPMENT**  
 23 **INITIATIVE**

24 **SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.**

25 Title I (20 U.S.C. 6301 et seq.) is amended—

1 (1) by redesignating part F (20 U.S.C. 6511 et  
2 seq.) as part G;

3 (2) by redesignating sections 1601 through  
4 1604 (20 U.S.C. 6511, 6514) as sections 1701  
5 through 1704, respectively, and by redesignating ac-  
6 cordingly the references to such sections in part G  
7 (as so redesignated); and

8 (3) by inserting after part E (20 U.S.C. 6491  
9 et seq.) the following:

10 **“PART F—RURAL EDUCATION DEVELOPMENT**  
11 **INITIATIVE**

12 **“SEC. 1601. FINDINGS.**

13 “This part may be cited as the ‘Rural Education Ini-  
14 tiative Act of 2000’.

15 **“SEC. 1602. FINDINGS.**

16 “Congress finds the following:

17 “(1) The National Center for Educational Sta-  
18 tistics reports that 46 percent of our Nation’s public  
19 schools serve rural areas.

20 “(2) While there are rural education initiatives  
21 identified at the State and local level, no Federal  
22 education policy focuses on the specific and unique  
23 needs of rural school districts and schools.

24 “(3) Small school districts often cannot use  
25 Federal grant funds distributed by formula because

1 the formula allocation does not provide enough rev-  
2 enue to carry out the program the grant is intended  
3 to fund.

4 “(4) Rural schools often cannot compete for  
5 Federal funding distributed by competitive grants  
6 because the schools lack the personnel needed to  
7 prepare grant applications and the resources to hire  
8 specialists in the writing of Federal grant proposals.

9 “(5) A critical problem for rural school districts  
10 involves the hiring and retention of qualified admin-  
11 istrators and certified teachers (especially in read-  
12 ing, science, and mathematics). As a result, teachers  
13 in rural schools are almost twice as likely to provide  
14 instruction in 3 or more subject areas than teachers  
15 in urban schools. Rural schools also face other tough  
16 challenges, such as shrinking local tax bases, high  
17 transportation costs, aging buildings, limited course  
18 offerings, and limited resources.

19 **“Subpart 1—Small and Rural School Program**

20 **“SEC. 1611. FORMULA GRANT PROGRAM AUTHORIZED.**

21 “(a) ALTERNATIVE USES.—

22 “(1) IN GENERAL.—Notwithstanding any other  
23 provision of law, an eligible local educational agency  
24 may use the applicable funding, that the agency is  
25 eligible to receive from the State educational agency

1 for a fiscal year, to support local or statewide edu-  
2 cation reform efforts intended to improve the aca-  
3 demic achievement of elementary school and sec-  
4 ondary school students and the quality of instruction  
5 provided for the students.

6 “(2) NOTIFICATION.—An eligible local edu-  
7 cational agency shall notify the State educational  
8 agency of the local educational agency’s intention to  
9 use the applicable funding in accordance with para-  
10 graph (1) not later than a date that is established  
11 by the State educational agency for the notification.

12 “(b) ELIGIBILITY.—

13 “(1) IN GENERAL.—A local educational agency  
14 shall be eligible to use the applicable funding in ac-  
15 cordance with subsection (a) if—

16 “(A)(i) the total number of students in av-  
17 erage daily attendance at all of the schools  
18 served by the local educational agency is less  
19 than 600; and

20 “(ii) all of the schools served by the local  
21 educational agency are located in a community  
22 with a Rural-Urban Continuum Code of 6, 7, 8,  
23 or 9, as determined by the Secretary of Agri-  
24 culture; or

1           “(B) the agency meets the criteria established  
2           in subparagraph (A)(i) and the Secretary, in accord-  
3           ance with paragraph (2), grants the local edu-  
4           cational agency’s request to waive the criteria de-  
5           scribed in subparagraph (A)(ii).

6           “(2) CERTIFICATION.—The Secretary shall de-  
7           termine whether or not to waive the criteria de-  
8           scribed in paragraph (1)(A)(ii) based on certification  
9           provided by the local educational agency, or the  
10          State educational agency on behalf of the local edu-  
11          cational agency, that the local educational agency is  
12          located in an area defined as rural by a govern-  
13          mental agency of the State.

14          “(c) APPLICABLE FUNDING.—In this section, the  
15          term ‘applicable funding’ means funds provided under  
16          each of titles II, IV, VI, parts A and C of title VII, and  
17          part I of title X.

18          “(d) DISBURSAL.—Each State educational agency  
19          that receives applicable funding for a fiscal year shall dis-  
20          burse the applicable funding to local educational agencies  
21          for alternative uses under this section for the fiscal year  
22          at the same time that the State educational agency dis-  
23          burses the applicable funding to local educational agencies  
24          that do not intend to use the applicable funding for such  
25          alternative uses for the fiscal year.

1       “(e) SUPPLEMENT NOT SUPPLANT.—Funds used  
2 under this section shall be used to supplement and not  
3 supplant any other Federal, State, or local education  
4 funds that would otherwise be available for the purpose  
5 of this subpart.

6       “(f) SPECIAL RULE.—References in Federal law to  
7 funds for the provisions of law set forth in subsection (c)  
8 may be considered to be references to funds for this sec-  
9 tion.

10   **“SEC. 1612. PROGRAM AUTHORIZED.**

11       “(a) IN GENERAL.—The Secretary is authorized to  
12 award grants to eligible local educational agencies to en-  
13 able the local educational agencies to support local or  
14 statewide education reform efforts intended to improve the  
15 academic achievement of elementary school and secondary  
16 school students and the quality of instruction provided for  
17 the students.

18       “(b) ELIGIBILITY.—

19               “(1) IN GENERAL.—A local educational agency  
20 shall be eligible to receive a grant under this section  
21 if—

22                       “(A)(i) the total number of students in av-  
23 erage daily attendance at all of the schools  
24 served by the local educational agency is less  
25 than 600; and



1           “(ii) all of the schools served by the local  
2           educational agency are located in a community  
3           with a Rural-Urban Continuum Code of 6, 7, 8,  
4           or 9, as determined by the Secretary of Agri-  
5           culture; or

6           “(B) the agency meets the criteria established  
7           in subparagraph (A)(i) and the Secretary, in accord-  
8           ance with paragraph (2), grants the local edu-  
9           cational agency’s request to waive the criteria de-  
10          scribed in subparagraph (A)(ii).

11          “(2) CERTIFICATION.—The Secretary shall de-  
12          termine whether or not to waive the criteria de-  
13          scribed in paragraph (1)(A)(ii) based on certification  
14          provided by the local educational agency, or the  
15          State educational agency on behalf of the local edu-  
16          cational agency, that the local educational agency is  
17          located in an area defined as rural by a govern-  
18          mental agency of the State.

19          “(c) ALLOCATION.—

20          “(1) IN GENERAL.—Except as provided in para-  
21          graph (3), the Secretary shall award a grant to an  
22          eligible local educational agency for a fiscal year in  
23          an amount equal to the initial amount determined  
24          under paragraph (2) for the fiscal year minus the  
25          total amount received under the provisions of law

1 described under section 1611(c) for the preceding  
2 fiscal year.

3 “(2) DETERMINATION OF THE INITIAL  
4 AMOUNT.—The initial amount referred to in para-  
5 graph (1) is equal to \$100 multiplied by the total  
6 number of students, over 50 students, in average  
7 daily attendance in such eligible agency plus  
8 \$20,000, except that the initial amount may not ex-  
9 ceed \$60,000.

10 “(3) RATABLE ADJUSTMENT.—

11 “(A) IN GENERAL.—If the amount made  
12 available for this subpart for any fiscal year is  
13 not sufficient to pay in full the amounts that  
14 local educational agencies are eligible to receive  
15 under paragraph (1) for such year, the Sec-  
16 retary shall ratably reduce such amounts for  
17 such year.

18 “(B) ADDITIONAL AMOUNTS.—If addi-  
19 tional funds become available for making pay-  
20 ments under paragraph (1) for such fiscal year,  
21 payments that were reduced under subpara-  
22 graph (A) shall be increased on the same basis  
23 as such payments were reduced.

24 “(5) CENSUS DETERMINATION.—

1           “(A) IN GENERAL.—Each local educational  
2           agency desiring a grant under this section shall  
3           conduct a census not later than December 1 of  
4           each year to determine the number of kinder-  
5           garten through grade 12 students in average  
6           daily attendance at the schools served by the  
7           local educational agency.

8           “(B) SUBMISSION.—Each local educational  
9           agency shall submit the number described in  
10          subparagraph (A) to the Secretary not later  
11          than March 1 of each year.

12          “(d) DISBURSAL.—The Secretary shall disburse the  
13          funds awarded to a local educational agency under this  
14          section for a fiscal year not later than July 1 of that year.

15          “(e) SPECIAL RULE.—A local educational agency  
16          that is eligible to receive a grant under this subpart for  
17          a fiscal year shall be ineligible to receive funds for such  
18          fiscal year under subpart 2.

19          “(f) SUPPLEMENT NOT SUPPLANT.—Funds made  
20          available under this section shall be used to supplement  
21          and not supplant any other Federal, State or local edu-  
22          cation funds.

23      **“SEC. 1613. ACCOUNTABILITY.**

24          “(a) ACADEMIC ACHIEVEMENT.—

1           “(1) IN GENERAL.—Each local educational  
2       agency that uses or receives funds under section  
3       1611 or 1612 for a fiscal year shall administer an  
4       assessment consistent with section 1111 of title I.

5           “(2) SPECIAL RULE.—Each local educational  
6       agency that uses or receives funds under section  
7       1611 or 1612 shall use the same assessment de-  
8       scribed in paragraph (1) for each year of participa-  
9       tion in the program under such section.

10       “(b) STATE EDUCATIONAL AGENCY DETERMINATION  
11   REGARDING CONTINUING PARTICIPATION.—Each State  
12   educational agency that receives funding under the provi-  
13   sions of law described in section 1611(c) shall—

14           “(1) after the 2d year that a local educational  
15       agency participates in a program under section 1611  
16       or 1612 and on the basis of the results of the as-  
17       sessments described in subsection (a), determine  
18       whether the students served by the local educational  
19       agency participating in the program performed in  
20       accordance with section 1111 of title I; and

21           “(2) only permit those local educational agen-  
22       cies that so participated and met the requirements  
23       of section 1111(b)(2) of title I to continue to so par-  
24       ticipate.

1   **“Subpart 2—Low-Income And Rural School Program**

2   **“SEC. 1621. PROGRAM AUTHORIZED.**

3       “(a) RESERVATIONS.—From amounts appropriated  
4 under section 1632 for this subpart for a fiscal year, the  
5 Secretary shall reserve  $\frac{1}{2}$  of 1 percent to make awards  
6 to elementary or secondary schools operated or supported  
7 by the Bureau of Indian Affairs to carry out the purpose  
8 of this subpart.

9       “(b) GRANTS TO STATES.—

10           “(1) IN GENERAL.—From amounts appro-  
11 priated under section 1632 for this subpart that are  
12 not reserved under subsection (a), the Secretary  
13 shall award grants for a fiscal year to State edu-  
14 cational agencies that have applications approved  
15 under section 1623 to enable the State educational  
16 agencies to award subgrants to eligible local edu-  
17 cational agencies for local authorized activities de-  
18 scribed in subsection (c)(2).

19           “(2) ALLOCATION.—From amounts appro-  
20 priated for this subpart, the Secretary shall allocate  
21 to each State educational agency for a fiscal year an  
22 amount that bears the same ratio to the amount of  
23 funds appropriated under section 1632 for this sub-  
24 part that are not reserved under subsection (a) as  
25 the number of students in average daily attendance  
26 served by eligible local educational agencies in the

1 State bears to the number of all such students  
2 served by eligible local educational agencies in all  
3 States for that fiscal year.

4 “(3) DIRECT AWARDS TO SPECIALLY QUALI-  
5 FIED AGENCIES.—

6 “(A) NONPARTICIPATING STATE.—If a  
7 State educational agency elects not to partici-  
8 pate in the program under this subpart or does  
9 not have an application approved under section  
10 1623 a specially qualified agency in such State  
11 desiring a grant under this subpart shall apply  
12 directly to the Secretary to receive an award  
13 under this subpart.

14 “(B) DIRECT AWARDS TO SPECIALLY  
15 QUALIFIED AGENCIES.—The Secretary may  
16 award, on a competitive basis, the amount the  
17 State educational agency is eligible to receive  
18 under paragraph (2) directly to specially quali-  
19 fied agencies in the State.

20 “(c) LOCAL AWARDS.—

21 “(1) ELIGIBILITY.—A local educational agency  
22 shall be eligible to receive funds under this subpart  
23 if—

24 “(A) 20 percent or more of the children  
25 aged 5 to 17, inclusive, served by the local edu-

1           cational agency are from families with incomes  
2           below the poverty line; and

3           “(B) all of the schools served by the agen-  
4           cy are located in a community with a Rural-  
5           Urban Continuum Code of 6, 7, 8, or 9, as de-  
6           termined by the Secretary of Agriculture.

7           “(2) USES OF FUNDS.—Grant funds awarded  
8           to local educational agencies or made available to  
9           schools under this subpart shall be used for—

10           “(A) educational technology, including  
11           software and hardware;

12           “(B) professional development;

13           “(C) technical assistance;

14           “(D) teacher recruitment and retention;

15           “(E) parental involvement activities; or

16           “(F) academic enrichment programs.

17   **“SEC. 1622. STATE DISTRIBUTION OF FUNDS.**

18           “(a) AWARD BASIS.—A State educational agency  
19           shall award grants to eligible local educational agencies—

20           “(1) on a competitive basis; or

21           “(2) according to a formula based on the num-  
22           ber of students in average daily attendance served  
23           by the eligible local educational agencies or schools  
24           (as appropriate) in the State, as determined by the  
25           State.

1       “(b) ADMINISTRATIVE COSTS.—A State educational  
2 agency receiving a grant under this subpart may not use  
3 more than 5 percent of the amount of the grant for State  
4 administrative costs.

5       **“SEC. 1623. APPLICATIONS.**

6       “Each State educational agency and specially quali-  
7 fied agency desiring to receive a grant under this subpart  
8 shall submit an application to the Secretary at such time,  
9 in such manner, and accompanied by such information as  
10 the Secretary may require. Such application shall include  
11 specific measurable goals and objectives to be achieved  
12 which may include specific educational goals and objec-  
13 tives relating to increased student academic achievement,  
14 decreased student drop-out rates, or such other factors  
15 that the State educational agency or specially qualified  
16 agency may choose to measure.

17       **“SEC. 1624. REPORTS.**

18       “(a) STATE REPORTS.—Each State educational  
19 agency that receives a grant under this subpart shall pro-  
20 vide an annual report to the Secretary. The report shall  
21 describe—

22               “(1) the method the State educational agency  
23       used to award grants to eligible local educational  
24       agencies and to provide assistance to schools under  
25       this subpart;



1           “(2) how local educational agencies and schools  
2       used funds provided under this subpart; and

3           “(3) the degree to which progress has been  
4       made toward meeting the goals and objectives de-  
5       scribed in the application submitted under section  
6       1623.

7       “(b) SPECIALLY QUALIFIED AGENCY REPORT.—  
8       Each specially qualified agency that receives a grant under  
9       this subpart shall provide an annual report to the Sec-  
10      retary. Such report shall describe—

11           “(1) how such agency uses funds provided  
12      under this subpart; and

13           “(2) the degree to which progress has been  
14      made toward meeting the goals and objectives de-  
15      scribed in the application submitted under section  
16      1621(b)(4)(A).

17       “(c) REPORT TO CONGRESS.—The Secretary shall  
18      prepare and submit to the Committee on Education and  
19      the Workforce for the House of Representatives and the  
20      Committee on Health, Education, Labor, and Pensions for  
21      the Senate an annual report. The report shall describe—

22           “(1) the methods the State educational agency  
23      used to award grants to eligible local educational  
24      agencies and to provide assistance to schools under  
25      this subpart;

1           “(2) how eligible local educational agencies and  
 2           schools used funds provided under this subpart; and  
 3           “(3) progress made in meeting specific measur-  
 4           able educational goals and objectives.

5   **“SEC. 1625. DEFINITIONS.**

6           “For the purposes of this subpart—

7           “(1) The term ‘poverty line’ means the poverty  
 8           line (as defined by the Office of Management and  
 9           Budget, and revised annually in accordance with sec-  
 10          tion 673(2) of the Community Services Block Grant  
 11          Act (42 U.S.C. 9902(2))) applicable to a family of  
 12          the size involved.

13          “(2) The term ‘specially qualified agency’  
 14          means an eligible local educational agency, located in  
 15          a State that does not participate in a program under  
 16          this subpart in a fiscal year, that may apply directly  
 17          to the Secretary for a grant in such year in accord-  
 18          ance with section 1621(b)(4).

19                   **“Subpart 3—General Provisions**

20   **“SEC. 1631. DEFINITION.**

21          “For the purposes of this part, the term ‘State’  
 22          means each of the 50 States, the District of Columbia,  
 23          and the Commonwealth of Puerto Rico.

1 **“SEC. 1632. AUTHORIZATION OF APPROPRIATIONS.**

2       “There are authorized to be appropriated to carry out  
3 this part \$125,000,000 for fiscal year 2000 and such sums  
4 as may be necessary for each of 4 succeeding fiscal years  
5 to be distributed equally between subparts 1 and 2.”.

6 **PART G—GENERAL PROVISIONS**

7 **SEC. 181. FEDERAL REGULATIONS.**

8       Section 1701(b)(4) (20 U.S.C. 6511(b)(4)) (as redes-  
9 ignated by section 161(2)) is amended by striking “July  
10 1, 1995” and inserting “May 1, 2000”.

11 **SEC. 182. STATE ADMINISTRATION.**

12       Section 1703 (20 U.S.C. 6513) (as redesignated by  
13 section 161(2)) is amended by striking subsection (c).

14 **TITLE II—TEACHER AND PRIN-**  
15 **CIPAL QUALITY, PROFES-**  
16 **SIONAL DEVELOPMENT, AND**  
17 **CLASS SIZE**

18 **SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFES-**  
19 **SIONAL DEVELOPMENT, AND CLASS SIZE.**

20       Title II (20 U.S.C. 6601 et seq.) is amended to read  
21 as follows:

1 **“TITLE II—TEACHER AND PRIN-**  
2 **CIPAL QUALITY, PROFES-**  
3 **SIONAL DEVELOPMENT, AND**  
4 **CLASS SIZE**

5 **“SEC. 2001. PURPOSE.**

6 “The purpose of this title is to provide grants to  
7 State educational agencies and local educational agencies  
8 in order to assist their efforts to increase student academic  
9 achievement through such strategies as improving teacher  
10 and principal quality, increasing professional development,  
11 and decreasing class size.

12 **“SEC. 2002. DEFINITIONS.**

13 “In this title:

14 “(1) FULLY QUALIFIED.—The term ‘fully quali-  
15 fied’ means—

16 “(A) in the case of an elementary school  
17 teacher (other than a teacher teaching in a pub-  
18 lic charter school), a teacher who, at a  
19 minimum—

20 “(i) has obtained State certification  
21 (which may include certification obtained  
22 through alternative means), or a State li-  
23 cense, to teach in the State in which the  
24 teacher teaches;

1                   “(ii) holds a bachelor’s degree from  
2                   an institution of higher education; and

3                   “(iii) demonstrates subject matter  
4                   knowledge, teaching knowledge, and the  
5                   teaching skills required to teach effectively  
6                   reading, writing, mathematics, science, so-  
7                   cial studies, and other elements of a liberal  
8                   arts education; and

9                   “(B) in the case of a secondary school  
10                  teacher (other than a teacher teaching in a pub-  
11                  lic charter school), a teacher who, at a  
12                  minimum—

13                   “(i) has obtained State certification  
14                   (which may include certification obtained  
15                   through alternative means), or a State li-  
16                   cense, to teach in the State in which the  
17                   teacher teaches;

18                   “(ii) holds a bachelor’s degree from  
19                   an institution of higher education; and

20                   “(iii) demonstrates a high level of  
21                   competence in all subject areas in which  
22                   the teacher teaches through—

23                   “(I) completion of an academic  
24                   major (or courses totaling an equiva-  
25                   lent number of credit hours) in each

1 of the subject areas in which the  
2 teacher provides instruction;

3 “(II) achievement of a high level  
4 of performance in other professional  
5 employment experience in subject  
6 areas relevant to the subject areas in  
7 which the teacher provides instruc-  
8 tion; or

9 “(III) achievement of a high level  
10 of performance on rigorous academic  
11 subject area tests administered by the  
12 State in which the teacher teaches.

13 “(2) INSTITUTION OF HIGHER EDUCATION.—  
14 The term ‘institution of higher education’ means an  
15 institution of higher education, as defined in section  
16 101 of the Higher Education Act of 1965, that—

17 “(A) has not been identified as low per-  
18 forming under section 208 of the Higher Edu-  
19 cation Act of 1965; and

20 “(B) is in full compliance with the public  
21 reporting requirements described in section 207  
22 of the Higher Education Act of 1965.

23 “(3) OUTLYING AREA.—The term ‘outlying  
24 area’ means the United States Virgin Islands,

1 Guam, American Samoa, and the Commonwealth of  
2 the Northern Mariana Islands.

3 “(4) POVERTY LINE.—The term ‘poverty line’  
4 means the poverty line (as defined by the Office of  
5 Management and Budget, and revised annually in  
6 accordance with section 673(2) of the Community  
7 Services Block Grant Act) applicable to a family of  
8 the size involved, for the most recent year.

9 “(5) SCHOOL-AGE POPULATION.—The term  
10 ‘school-age population’ means the population aged 5  
11 through 17, as determined on the basis of the most  
12 recent satisfactory data.

13 “(6) STATE.—The term ‘State’ means each of  
14 the several States in the United States, the District  
15 of Columbia, and the Commonwealth of Puerto Rico.

16 **“PART A—TEACHER AND PRINCIPAL QUALITY**  
17 **AND PROFESSIONAL DEVELOPMENT**

18 **“SEC. 2011. PROGRAM AUTHORIZED.**

19 “(a) GRANTS AUTHORIZED.—The Secretary shall  
20 award a grant, from allotments made under subsection  
21 (b), to each State having a State plan approved under sec-  
22 tion 2013, to enable the State to raise the quality of, and  
23 provide professional development opportunities for, public  
24 elementary school and secondary school teachers, prin-  
25 cipals, and administrators.

1 “(b) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount appro-  
3 priated under section 2023 to carry out this part for  
4 each fiscal year, the Secretary shall reserve—

5 “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
6 payments to the Bureau of Indian Affairs for  
7 activities, approved by the Secretary, consistent  
8 with this part;

9 “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
10 payments to outlying areas, to be allotted in ac-  
11 cordance with their respective needs as deter-  
12 mined by the Secretary, for activities, approved  
13 by the Secretary, consistent with this part; and

14 “(C) such sums as may be necessary to  
15 continue to support any multiyear partnership  
16 program award made under parts A, C, and D  
17 (as such parts were in effect on the day pre-  
18 ceding the date of enactment of the Public Edu-  
19 cation Reinvestment, Reinvention, and Respon-  
20 sibility Act) until the termination of the  
21 multiyear award.

22 “(2) STATE ALLOTMENTS.—From the amount  
23 appropriated under section 2023 for a fiscal year  
24 and remaining after the Secretary makes reserva-  
25 tions under paragraph (1), the Secretary shall allot



1 to each State having a State plan approved under  
2 section 2013 the sum of—

3 “(A) an amount that bears the same rela-  
4 tionship to 50 percent of the remainder as the  
5 school-age population from families with in-  
6 comes below the poverty line in the State bears  
7 to the school-age population from families with  
8 incomes below the poverty line in all States; and

9 “(B) an amount that bears the same rela-  
10 tionship to 50 percent of the remainder as the  
11 school-age population in the State bears to the  
12 school-age population in all States.

13 “(c) STATE MINIMUM.—For any fiscal year, no State  
14 shall be allotted under this section an amount that is less  
15 than  $\frac{1}{2}$  of 1 percent of the total amount allotted to all  
16 States under subsection (b)(2).

17 “(d) HOLD-HARMLESS AMOUNTS.—For fiscal year  
18 2001, notwithstanding subsection (b)(2), the amount al-  
19 lotted to each State under this section shall be not less  
20 than 100 percent of the total amount the State was allot-  
21 ted under part B (as such part was in effect on the day  
22 preceding the date of enactment of the Public Education  
23 Reinvestment, Reinvention, and Responsibility Act) for  
24 the preceding fiscal year.

1       “(e) Ratable Reductions.—If the sums made  
2 available under subsection (b)(2) for any fiscal year are  
3 insufficient to pay the full amounts that all States are eli-  
4 gible to receive under subsection (d) for such year, the  
5 Secretary shall ratably reduce such amounts for such year.

6       **“SEC. 2012. WITHIN STATE ALLOCATION.**

7       “(a) IN GENERAL.—Each State educational agency  
8 for a State receiving a grant under section 2011(a) shall—

9               “(1) set aside 10 percent of the grant funds to  
10       award educator partnership grants under section  
11       2021;

12              “(2) set aside not more than 5 percent of the  
13       grant funds to carry out activities described the  
14       State plan submitted under section 2013; and

15              “(3) using the remaining 85 percent of the  
16       grant funds, make subgrants by allocating to each  
17       local educational agency in the State the sum of—

18                      “(A) an amount that bears the same rela-  
19       tionship to 60 percent of the remainder as the  
20       school-age population from families with in-  
21       comes below the poverty line in the area served  
22       by the local educational agency bears to the  
23       school-age population from families with in-  
24       comes below the poverty line in the area served

1 by all local educational agencies in the State;  
2 and

3 “(B) an amount that bears the same rela-  
4 tionship to 40 percent of the remainder as the  
5 school-age population in the area served by the  
6 local educational agency bears to the school-age  
7 population in the area served by all local edu-  
8 cational agencies in the State.

9 “(b) HOLD-HARMLESS AMOUNTS.—

10 “(1) FISCAL YEAR 2001.—For fiscal year 2001,  
11 notwithstanding subsection (a), the amount allocated  
12 to each local educational agency under this section  
13 shall be not less than 100 percent of the total  
14 amount the local educational agency was allocated  
15 under this title (as in effect on the day preceding the  
16 date of enactment of the Public Education Reinvest-  
17 ment, Reinvention, and Responsibility Act) for fiscal  
18 year 2000.

19 “(2) FISCAL YEAR 2002.—For fiscal year 2002,  
20 notwithstanding subsection (a), the amount allocated  
21 to each local educational agency under this section  
22 shall be not less than 85 percent of the amount allo-  
23 cated to the local educational agency under this sec-  
24 tion for fiscal year 2001.

1           “(3) FISCAL YEARS 2003–2005.—For each of fis-  
2           cal years 2003 through 2005, notwithstanding sub-  
3           section (a), the amount allocated to each local edu-  
4           cational agency under this section shall be not less  
5           than 70 percent of the amount allocated to the local  
6           educational agency under this section for the pre-  
7           vious fiscal year.

8           “(c) RATABLE REDUCTIONS.—If the sums made  
9           available under subsection (a)(3) for any fiscal year are  
10          insufficient to pay the full amounts that all local edu-  
11          cational agencies are eligible to receive under subsection  
12          (b) for such year, the State educational agency shall rat-  
13          ably reduce such amounts for such year.

14   **“SEC. 2013. STATE PLANS.**

15          “(a) PLAN REQUIRED.—

16               “(1) COMPREHENSIVE STATE PLAN.—The enti-  
17          ty or agency responsible for teacher certification or  
18          licensing under the laws of the State desiring a  
19          grant under this part shall submit a State plan to  
20          the Secretary at such time, in such manner, and ac-  
21          companied by such information as the Secretary may  
22          require. If the State educational agency is not the  
23          entity or agency designated under the laws of the  
24          State as responsible for teacher certification or li-  
25          censing in the State, then the plan shall be devel-

1       oped in consultation with the State educational  
2       agency. The entity or agency shall provide annual  
3       evidence of such consultation to the Secretary.

4               “(2) CONSOLIDATED PLAN.—A State plan sub-  
5       mitted under paragraph (1) may be submitted as  
6       part of a consolidated plan under section 8302.

7               “(b) CONTENTS.—Each plan submitted under sub-  
8       section (a) shall—

9               “(1) describe how the State is taking reasonable  
10      steps to—

11               “(A) reform teacher certification, recertifi-  
12      cation, or licensure requirements to ensure  
13      that—

14               “(i) teachers have the necessary  
15      teaching skills and academic content  
16      knowledge in the academic subjects in  
17      which the teachers are assigned to teach;

18               “(ii) such requirements are aligned  
19      with the challenging State content stand-  
20      ards;

21               “(iii) teachers have the knowledge and  
22      skills necessary to help students meet the  
23      challenging State student performance  
24      standards;

1           “(iv) such requirements take into ac-  
2           count the need, as determined by the  
3           State, for greater access to, and participa-  
4           tion in, the teaching profession by individ-  
5           uals from historically underrepresented  
6           groups; and

7           “(v) teachers have the necessary tech-  
8           nological skills to integrate more effectively  
9           technology in the teaching of content re-  
10          quired by State and local standards in all  
11          academic subjects in which the teachers  
12          provide instruction;

13          “(B) develop and implement rigorous test-  
14          ing procedures for teachers, as required in sec-  
15          tion 2002(1)(A), to ensure that the teachers  
16          have teaching skills and academic content  
17          knowledge necessary to teach effectively the  
18          content called for by State and local standards  
19          in all academic subjects in which the teachers  
20          provide instruction;

21          “(C) establish, expand, or improve alter-  
22          native routes to State certification of teachers,  
23          especially in the areas of mathematics and  
24          science, for highly qualified individuals with a  
25          baccalaureate degree, including mid-career pro-

1           professionals from other occupations, paraprofes-  
2           sionals, former military personnel, and recent  
3           college or university graduates who have  
4           records of academic distinction and who dem-  
5           onstrate the potential to become highly effective  
6           teachers;

7                 “(D) reduce emergency teacher certifi-  
8           cation;

9                 “(E) develop and implement effective pro-  
10          grams, and provide financial assistance, to as-  
11          sist local educational agencies, elementary  
12          schools, and secondary schools in effectively re-  
13          cruiting and retaining fully qualified teachers  
14          and principals, particularly in schools that have  
15          the lowest proportion of fully qualified teachers  
16          or the highest proportion of low-performing stu-  
17          dents;

18                “(F) provide professional development pro-  
19          grams that meet the requirements described in  
20          section 2019;

21                “(G) provide programs that are designed  
22          to assist new teachers during their first 3 years  
23          of teaching, such as mentoring programs that—

24                       “(i) provide mentoring to new teach-  
25          ers from veteran teachers with expertise in

1 the same subject matter as the new teach-  
2 ers are teaching;

3 “(ii) provide mentors time for activi-  
4 ties such as coaching, observing, and as-  
5 sisting teachers who are being mentored;  
6 and

7 “(iii) use standards or assessments  
8 that are consistent with the State’s student  
9 performance standards and the require-  
10 ments for professional development activi-  
11 ties described in section 2019 in order to  
12 guide the new teachers;

13 “(H) provide technical assistance to local  
14 educational agencies in developing and imple-  
15 menting activities described in section 2018;  
16 and

17 “(I) ensure that programs in core aca-  
18 demic subjects, particularly in mathematics and  
19 science, will take into account the need for  
20 greater access to, and participation in, such  
21 core academic subjects by students from histori-  
22 cally underrepresented groups, including fe-  
23 males, minorities, individuals with limited  
24 English proficiency, the economically disadvan-  
25 taged, and individuals with disabilities, by in-



1           corporating pedagogical strategies and tech-  
2           niques that meet such students' educational  
3           needs;

4           “(2) describe the activities for which assistance  
5           is sought under the grant, and how such activities  
6           will improve students' academic achievement and  
7           close academic achievement gaps of low-income, mi-  
8           nority, and limited English proficient students;

9           “(3) describe how the State will establish an-  
10          nual numerical performance objectives under section  
11          2014 for improving the qualifications of teachers  
12          and the professional development of teachers, prin-  
13          cipals, and administrators;

14          “(4) contain an assurance that the State con-  
15          sulted with local educational agencies, education-re-  
16          lated community groups, nonprofit organizations,  
17          parents, teachers, school administrators, local school  
18          boards, institutions of higher education in the State,  
19          and content specialists in establishing the perform-  
20          ance objectives described in section 2014;

21          “(5) describe how the State will hold local edu-  
22          cational agencies, elementary schools, and secondary  
23          schools accountable for meeting the performance ob-  
24          jectives described in section 2014 and for reporting  
25          annually on the local educational agencies' and

1 schools' progress in meeting the performance objec-  
2 tives;

3 “(6) describe how the State will ensure that a  
4 local educational agency receiving a subgrant under  
5 section 2012 will comply with the requirements of  
6 this part;

7 “(7) provide an assurance that the State will  
8 require each local educational agency, elementary  
9 school, or secondary school receiving funds under  
10 this part to report publicly the local educational  
11 agency's or school's annual progress with respect to  
12 the performance objectives described in section  
13 2014; and

14 “(8) describe how the State will coordinate pro-  
15 fessional development activities authorized under  
16 this part with professional development activities  
17 provided under other Federal, State, and local pro-  
18 grams, including programs authorized under titles I  
19 and III and, where appropriate, the Individuals with  
20 Disabilities Education Act and the Carl D. Perkins  
21 Vocational and Technical Education Act of 1998.

22 “(c) SECRETARY APPROVAL.—The Secretary shall,  
23 using a peer review process, approve a State plan if the  
24 plan meets the requirements of this section.

25 “(d) DURATION OF THE PLAN.—

1 “(1) IN GENERAL.—Each State plan shall—

2 “(A) remain in effect for the duration of  
3 the State’s participation under this part; and

4 “(B) be periodically reviewed and revised  
5 by the State, as necessary, to reflect changes to  
6 the State’s strategies and programs carried out  
7 under this part.

8 “(2) ADDITIONAL INFORMATION.—If a State  
9 receiving a grant under this part makes significant  
10 changes to the State plan, such as the adoption of  
11 new performance objectives, the State shall submit  
12 information regarding the significant changes to the  
13 Secretary.

14 **“SEC. 2014. PERFORMANCE OBJECTIVES.**

15 “(a) IN GENERAL.—Each State receiving a grant  
16 under this part shall establish annual numerical perform-  
17 ance objectives with respect to progress in improving the  
18 qualifications of teachers and the professional development  
19 of teachers, principals, and administrators. For each an-  
20 nual numerical performance objective established, the  
21 State shall specify an incremental percentage increase for  
22 the objective to be attained for each of the fiscal years  
23 for which the State receives a grant under this part, rel-  
24 ative to the preceding fiscal year.

1       “(b) REQUIRED OBJECTIVES.—At a minimum, the  
2 annual numerical performance objectives described in sub-  
3 section (a) shall include an incremental increase in the  
4 percentage of—

5           “(1) classes in core academic subjects that are  
6 being taught by fully qualified teachers;

7           “(2) new teachers and principals receiving pro-  
8 fessional development support, including mentoring  
9 for teachers, during the teachers’ first 3 years of  
10 teaching;

11          “(3) teachers, principals, and administrators  
12 participating in high quality professional develop-  
13 ment programs that are consistent with section  
14 2019; and

15          “(4) fully qualified teachers teaching in the  
16 State, to ensure that all teachers teaching in such  
17 State are fully qualified by December 31, 2003.

18       “(c) REQUIREMENT FOR FULLY QUALIFIED TEACH-  
19 ERS.—Each State receiving a grant under this part shall  
20 ensure that all public elementary school and secondary  
21 school teachers in the State are fully qualified not later  
22 than December 31, 2003.

23       “(d) ACCOUNTABILITY.—

24           “(1) IN GENERAL.—Each State receiving a  
25 grant under this part shall be held accountable for—

1           “(A) meeting the State’s annual numerical  
2           performance objectives; and

3           “(B) meeting the reporting requirements  
4           described in section 4401.

5           “(2) SANCTIONS.—Any State that fails to meet  
6           the requirement described in paragraph (1)(A) shall  
7           be subject to sanctions under section 7001.

8           “(e) SPECIAL RULE.—Notwithstanding any other  
9           provision of law, the provisions of subsection (c) shall not  
10          supersede State laws governing public charter schools.

11          “(f) COORDINATION.—Each State that receives a  
12          grant under this part and a grant under section 202 of  
13          the Higher Education Act of 1965 shall coordinate the  
14          activities the State carries out under such section 202 with  
15          the activities the State carries out under this section.

16       **“SEC. 2015. OPTIONAL ACTIVITIES.**

17          “Each State receiving a grant under section 2011(a)  
18          may use the grant funds—

19               “(1) to develop and implement a system to  
20               measure the effectiveness of specific professional de-  
21               velopment programs and strategies;

22               “(2) to increase the portability of teacher pen-  
23               sions and reciprocity of teaching certification or li-  
24               censure among States, except that no reciprocity  
25               agreement developed under this section may lead to

1 the weakening of any State teacher certification or  
2 licensing requirement;

3 “(3) to develop or assist local educational agen-  
4 cies in the development and utilization of proven, in-  
5 novative strategies to deliver intensive professional  
6 development programs that are cost effective and  
7 easily accessible, such as programs offered through  
8 the use of technology and distance learning;

9 “(4) to provide assistance to local educational  
10 agencies for the development and implementation of  
11 innovative professional development programs that  
12 train teachers to use technology to improve teaching  
13 and learning and that are consistent with the re-  
14 quirements of section 2019;

15 “(5) to provide professional development to en-  
16 able teachers to ensure that female students, minor-  
17 ity students, limited English proficient students, stu-  
18 dents with disabilities, and economically disadvan-  
19 tagged students have the full opportunity to achieve  
20 challenging State content and performance stand-  
21 ards in the core academic subjects;

22 “(6) to increase the number of women, minori-  
23 ties, and individuals with disabilities who teach in  
24 the State and who are fully qualified and provide in-

1 instruction in core academic subjects in which such in-  
 2 dividuals are underrepresented; and

3 “(7) to increase the number of highly qualified  
 4 women, minorities, and individuals from other  
 5 underrepresented groups who are involved in the ad-  
 6 ministration of elementary schools and secondary  
 7 schools within the State.

8 **“SEC. 2016. STATE ADMINISTRATIVE EXPENSES.**

9 “Each State receiving a grant under section 2011(a)  
 10 may use not more than 5 percent of the amount set aside  
 11 in section 2012(a)(2) for the cost of—

12 “(1) planning and administering the activities  
 13 described in section 2013(b); and

14 “(2) making subgrants to local educational  
 15 agencies under section 2012.

16 **“SEC. 2017. LOCAL PLANS.**

17 “(a) IN GENERAL.—Each local educational agency  
 18 desiring a grant from the State under section 2012(a)(3)  
 19 shall submit a local plan to the State educational agency—

20 “(1) at such time, in such manner, and accom-  
 21 panied by such information as the State educational  
 22 agency may require; and

23 “(2) that describes how the local educational  
 24 agency will coordinate the activities for which assist-  
 25 ance is sought under this part with other programs

1 carried out under this Act, or other Acts, as appro-  
2 priate.

3 “(b) LOCAL PLAN CONTENTS.—The local plan de-  
4 scribed in subsection (a) shall, at a minimum—

5 “(1) describe how the local educational agency  
6 will use the grant funds to meet the State perform-  
7 ance objectives for teacher qualifications and profes-  
8 sional development described in section 2014;

9 “(2) describe how the local educational agency  
10 will hold elementary schools and secondary schools  
11 accountable for meeting the requirements described  
12 in this part;

13 “(3) contain an assurance that the local edu-  
14 cational agency will target funds to elementary  
15 schools and secondary schools served by the local  
16 educational agency that—

17 “(A) have the lowest proportion of fully  
18 qualified teachers; and

19 “(B) are identified for school improvement  
20 under section 1116;

21 “(4) describe how the local educational agency  
22 will coordinate professional development activities  
23 authorized under section 2018(a) with professional  
24 development activities provided through other Fed-  
25 eral, State, and local programs, including those au-



1       thorized under titles I and III and, where applicable,  
2       the Individuals with Disabilities Education Act and  
3       the Carl D. Perkins Vocational and Technical Edu-  
4       cation Act of 1998; and

5               “(5) describe how the local educational agency  
6       has collaborated with teachers, principals, parents,  
7       and administrators in the preparation of the local  
8       plan.

9       **“SEC. 2018. LOCAL ACTIVITIES.**

10       “(a) IN GENERAL.—Each local educational agency  
11       receiving a grant under section 2012(a)(3) shall use the  
12       grant funds to—

13               “(1) support professional development activities,  
14       consistent with section 2019, for—

15                       “(A) teachers, in at least the areas of  
16       reading, mathematics, and science; and

17                       “(B) teachers, principals, and administra-  
18       tors in order to provide such individuals with  
19       the knowledge and skills to provide all students,  
20       including female students, minority students,  
21       limited English proficient students, students  
22       with disabilities, and economically disadvan-  
23       taged students, with the opportunity to meet  
24       challenging State content and student perform-  
25       ance standards;

1           “(2) provide professional development to teach-  
2           ers, principals, and administrators to enhance the  
3           use of technology within elementary schools and sec-  
4           ondary schools in order to deliver more effective cur-  
5           ricula instruction;

6           “(3) recruit and retain fully qualified teachers  
7           and highly qualified principals, particularly for ele-  
8           mentary schools and secondary schools located in  
9           areas with high percentages of low-performing stu-  
10          dents and students from families below the poverty  
11          line;

12          “(4) recruit and retain fully qualified teachers  
13          and high quality principals to serve in the elemen-  
14          tary schools and secondary schools with the highest  
15          proportion of low-performing students, such as  
16          through—

17               “(A) mentoring programs for newly hired  
18               teachers, including programs provided by mas-  
19               ter teachers, and for newly hired principals; and

20               “(B) programs that provide other incen-  
21               tives, including financial incentives, to retain—

22                   “(i) teachers who have a record of  
23                   success in helping low-performing students  
24                   improve those students’ academic success;  
25                   and

1                   “(ii) principals who have a record of  
2                   improving the performance of all students,  
3                   or significantly narrowing the gaps be-  
4                   tween minority students and nonminority  
5                   students, and economically disadvantaged  
6                   students and noneconomically disadvan-  
7                   taged students, within the elementary  
8                   schools or secondary schools served by the  
9                   principals; and

10                  “(5) provide professional development that in-  
11                  corporates effective strategies, techniques, methods,  
12                  and practices for meeting the educational needs of  
13                  diverse groups of students, including female stu-  
14                  dents, minority students, students with disabilities,  
15                  limited English proficient students, and economically  
16                  disadvantaged students.

17                  “(b) OPTIONAL ACTIVITIES.—Each local educational  
18                  agency receiving a grant under section 2012(a)(3) may  
19                  use the subgrant funds—

20                         “(1) to provide a signing bonus or other finan-  
21                         cial incentive, such as differential pay for—

22                                 “(A) a teacher to teach in an academic  
23                                 subject for which there exists a shortage of fully  
24                                 qualified teachers within the elementary school  
25                                 or secondary school in which the teacher teach-

1 es or within the elementary schools and sec-  
2 ondary schools served by the local educational  
3 agency; or

4 “(B) a highly qualified principal in a  
5 school in which there is a large percentage of  
6 children—

7 “(i) from low-income families; or

8 “(ii) with high percentages of low-per-  
9 formance scores on State assessments;

10 “(2) to establish programs that—

11 “(A) recruit professionals into teaching  
12 from other fields and provide such professionals  
13 with alternative routes to teacher certification,  
14 especially in the areas of mathematics, science,  
15 and English language arts; and

16 “(B) provide increased teaching and ad-  
17 ministration opportunities for fully qualified fe-  
18 males, minorities, individuals with disabilities,  
19 and other individuals underrepresented in the  
20 teaching or school administration professions;

21 “(3) to establish programs and activities that  
22 are designed to improve the quality of the teacher  
23 and principal force, such as innovative professional  
24 development programs (which may be provided  
25 through partnerships, including partnerships with

1 institutions of higher education), and including pro-  
2 grams that—

3 “(A) train teachers and principals to uti-  
4 lize technology to improve teaching and learn-  
5 ing; and

6 “(B) are consistent with the requirements  
7 of section 2019;

8 “(4) to provide collaboratively designed per-  
9 formance pay systems for teachers and principals  
10 that encourage teachers and principals to work to-  
11 gether to raise student performance;

12 “(5) to establish professional development pro-  
13 grams that provide instruction in how to teach chil-  
14 dren with different learning styles, particularly chil-  
15 dren with disabilities and children with special learn-  
16 ing needs (including children who are gifted and tal-  
17 ented);

18 “(6) to establish professional development pro-  
19 grams that provide instruction in how best to dis-  
20 cipline children in the classroom, and to identify  
21 early and appropriate interventions to help children  
22 described in paragraph (5) learn;

23 “(7) to provide professional development pro-  
24 grams that provide instruction in how to teach char-  
25 acter education in a manner that—

1           “(A) reflects the values of parents, teach-  
2           ers, and local communities; and

3           “(B) incorporates elements of good char-  
4           acter, including honesty, citizenship, courage,  
5           justice, respect, personal responsibility, and  
6           trustworthiness;

7           “(8) to provide scholarships or other incentives  
8           to assist teachers in attaining national board certifi-  
9           cation;

10          “(9) to support activities designed to provide ef-  
11          fective professional development for teachers of lim-  
12          ited English proficient students; and

13          “(10) to establish other activities designed—

14               “(A) to improve professional development  
15               for teachers, principals, and administrators that  
16               are consistent with section 2019; and

17               “(B) to recruit and retain fully qualified  
18               teachers and highly qualified principals.

19          “(c) ADMINISTRATIVE EXPENSES.—Each local edu-  
20          cational agency receiving a grant under section 2012(a)(3)  
21          may use not more than 1.5 percent of the grant funds  
22          for any fiscal year for the cost of administering activities  
23          under this part.

1 **“SEC. 2019. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

2 “(a) LIMITATION RELATING TO CURRICULUM AND  
3 CONTENT AREAS.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), a local educational agency may not use  
6 grant funds allocated under section 2012(a)(3) to  
7 support a professional development activity for a  
8 teacher that is not—

9 “(A) directly related to the curriculum for  
10 which and content areas in which the teacher  
11 provides instruction; or

12 “(B) designed to enhance the ability of the  
13 teacher to understand and use the State’s chal-  
14 lenging content standards for the academic sub-  
15 ject in which the teacher provides instruction.

16 “(2) EXCEPTION.—Paragraph (1) shall not  
17 apply to professional development activities that pro-  
18 vide instruction in methods of disciplining children.

19 “(b) PROFESSIONAL DEVELOPMENT ACTIVITY.—A  
20 professional development activity carried out under this  
21 part shall—

22 “(1) be measured, in terms of progress de-  
23 scribed in section 2014(a), using the specific per-  
24 formance indicators established by the State in ac-  
25 cordance with section 2014;

1           “(2) be tied to challenging State or local con-  
2           tent standards and student performance standards;

3           “(3) be tied to scientifically based research  
4           demonstrating the effectiveness of such activities in  
5           increasing student achievement or substantially in-  
6           creasing the knowledge and teaching skills of teach-  
7           ers;

8           “(4) be of sufficient intensity and duration  
9           (such as not to include 1-day or short-term work-  
10          shops and conferences) to have a positive and lasting  
11          impact on teachers’ performance in the classroom,  
12          except that this paragraph shall not apply to an ac-  
13          tivity that is 1 component described in a long-term  
14          comprehensive professional development plan estab-  
15          lished by a teacher and the teacher’s supervisor, and  
16          based upon an assessment of the needs of the teach-  
17          er, the teacher’s students, and the local educational  
18          agency;

19          “(5) be developed with extensive participation  
20          of teachers, principals, parents, administrators, and  
21          local school boards of elementary schools and sec-  
22          ondary schools to be served under this part, and in-  
23          stitutions of higher education in the State, and, with  
24          respect to any professional development program de-  
25          scribed in paragraph (6) or (7) of section 2018(b),



1 shall, if applicable, be developed with extensive co-  
2 ordination with, and participation of, professionals  
3 with expertise in such type of professional develop-  
4 ment;

5 “(6) to the extent appropriate, provide training  
6 for teachers regarding using technology and applying  
7 technology effectively in the classroom to improve  
8 teaching and learning concerning the curriculum and  
9 academic content areas, in which those teachers pro-  
10 vide instruction; and

11 “(7) be directly related to the content areas in  
12 which the teachers provide instruction and the State  
13 content standards.

14 “(c) ACCOUNTABILITY.—

15 “(1) IN GENERAL.—A State shall notify a local  
16 educational agency that the agency may be subject  
17 to the action described in paragraph (3) if, after any  
18 fiscal year, the State determines that the programs  
19 or activities funded by the agency under this part  
20 fail to meet the requirements of subsections (a) and  
21 (b).

22 “(2) TECHNICAL ASSISTANCE.—A local edu-  
23 cational agency that has received notification pursu-  
24 ant to paragraph (1) may request technical assist-  
25 ance from the State and an opportunity for such

1 local educational agency to comply with the require-  
2 ments of subsections (a) and (b).

3 “(3) STATE EDUCATIONAL AGENCY ACTION.—If  
4 a State educational agency determines that a local  
5 educational agency failed to carry out the local edu-  
6 cational agency’s responsibilities under this section,  
7 the State educational agency shall take such action  
8 as the agency determines to be necessary, consistent  
9 with this section, to provide, or direct the local edu-  
10 cational agency to provide, high-quality professional  
11 development for teachers, principals, and adminis-  
12 trators.

13 **“SEC. 2020. PARENTS’ RIGHT TO KNOW.**

14 “Each local educational agency receiving a grant  
15 under section 2012(a)(3) shall meet the reporting require-  
16 ments with respect to teacher qualifications described in  
17 section 4401(h).

18 **“SEC. 2021. STATE REPORTS AND GAO STUDY.**

19 “(a) STATE REPORTS.—Each State educational  
20 agency receiving a grant under this part shall annually  
21 provide a report to the Secretary describing—

22 “(1) the progress the State is making in in-  
23 creasing the percentages of fully qualified teachers  
24 in the State to ensure that all teachers are fully

1 qualified not later than December 31, 2003, includ-  
2 ing information regarding—

3 “(A) the percentage increase over the pre-  
4 vious fiscal year in the number of fully qualified  
5 teachers teaching in elementary schools and  
6 secondary schools served by local educational  
7 agencies receiving funds under title I; and

8 “(B) the percentage increase over the pre-  
9 vious fiscal year in the number of core classes  
10 being taught by fully qualified teachers in ele-  
11 mentary schools and secondary schools being  
12 served under title I;

13 “(2) the activities undertaken by the State edu-  
14 cational agency and local educational agencies in the  
15 State to attract and retain fully qualified teachers,  
16 especially in geographic areas and content subject  
17 areas in which a shortage of such teachers exist; and

18 “(3) the approximate percentage of Federal,  
19 State, local, and nongovernmental resources being  
20 expended to carry out activities described in para-  
21 graph (2).

22 “(b) GAO STUDY.—Not later than September 30,  
23 2004, the Comptroller General of the United States shall  
24 prepare and submit to the Committee on Education and  
25 the Workforce of the House of Representatives and the

1 Committee on Health, Education, Labor, and Pensions of  
2 the Senate a study setting forth information regarding the  
3 progress of States' compliance in increasing the percent-  
4 age of fully qualified teachers, as defined in section  
5 2002(1), for fiscal years 2000 through 2003.

6 **“SEC. 2021. EDUCATOR PARTNERSHIP GRANTS.**

7 “(a) SUBGRANTS.—

8 “(1) IN GENERAL.—A State receiving a grant  
9 under section 2011(a) shall award subgrants, on a  
10 competitive basis, from amounts made available  
11 under section 2012(a)(1), to local educational agen-  
12 cies, elementary schools, or secondary schools that  
13 have formed educator partnerships, for the design  
14 and implementation of programs that will enhance  
15 professional development opportunities for teachers,  
16 principals, and administrators, and will increase the  
17 number of fully qualified teachers.

18 “(2) ALLOCATIONS.—A State awarding sub-  
19 grants under this subsection shall allocate the  
20 subgrant funds on a competitive basis and in a man-  
21 ner that results in an equitable distribution of the  
22 subgrant funds by geographic areas within the  
23 State.

24 “(3) ADMINISTRATIVE EXPENSES.—Each edu-  
25 cator partnership receiving a subgrant under this

1 subsection may use not more than 5 percent of the  
2 subgrant funds for any fiscal year for the cost of  
3 planning and administering programs under this sec-  
4 tion.

5 “(b) EDUCATOR PARTNERSHIPS.—An educator part-  
6 nership described in subsection (a) includes a cooperative  
7 arrangement between—

8 “(1) a public elementary school or secondary  
9 school (including a charter school), or a local edu-  
10 cational agency; and

11 “(2) 1 or more of the following:

12 “(A) An institution of higher education.

13 “(B) An educational service agency.

14 “(C) A public or private not-for-profit edu-  
15 cation organization.

16 “(D) A for-profit education organization.

17 “(E) An entity from outside the traditional  
18 education arena, including a corporation or con-  
19 sulting firm.

20 “(c) USE OF FUNDS.—An educator partnership re-  
21 ceiving a subgrant under this section shall use the  
22 subgrant funds for—

23 “(1) developing and enhancing of professional  
24 development activities for teachers in core academic  
25 subjects to ensure that the teachers have content

1 knowledge in the academic subjects in which the  
2 teachers provide instruction;

3 “(2) developing and providing assistance to  
4 local educational agencies and elementary schools  
5 and secondary schools for sustained, high-quality  
6 professional development activities for teachers, prin-  
7 cipals, and administrators, that—

8 “(A) ensure that teachers, principals, and  
9 administrators are able to use State content  
10 standards, performance standards, and assess-  
11 ments to improve instructional practices and  
12 student achievement; and

13 “(B) may include intensive programs de-  
14 signed to prepare a teacher who participates in  
15 such a program to provide professional develop-  
16 ment instruction to other teachers within the  
17 participating teacher’s school;

18 “(3) increasing the number of fully qualified  
19 teachers available to provide high-quality education  
20 to limited English proficient students by—

21 “(A) working with institutions of higher  
22 education that offer degree programs, to attract  
23 more people into such programs, and to prepare  
24 better new, English language teachers to pro-

1           vide effective language instruction to limited  
2           English proficient students; and

3           “(B) supporting development and imple-  
4           mentation of professional development pro-  
5           grams for language instruction teachers to im-  
6           prove the language proficiency of limited  
7           English proficient students;

8           “(4) developing and implementing professional  
9           development activities for principals and administra-  
10          tors to enable the principals and administrators to  
11          be effective school leaders and to improve student  
12          achievement on challenging State content and stu-  
13          dent performance standards, including professional  
14          development relating to—

15               “(A) leadership skills;

16               “(B) recruitment, assignment, retention,  
17               and evaluation of teachers and other staff;

18               “(C) effective instructional practices, in-  
19               cluding the use of technology; and

20               “(D) parental and community involvement;  
21               and

22           “(5) providing activities that enhance profes-  
23           sional development opportunities for teachers, prin-  
24           cipals, and administrators or will increase the num-  
25           ber of fully qualified teachers.

1       “(d) APPLICATION REQUIRED.—Each educator part-  
2 nership desiring a subgrant under this section shall submit  
3 an application to the appropriate State educational agency  
4 at such time, in such manner, and accompanied by such  
5 information as the State educational agency may reason-  
6 ably require.

7       “(e) COORDINATION.—Each educator partnership  
8 that receives a subgrant under this section and a grant  
9 under section 203 of the Higher Education Act of 1965  
10 shall coordinate the activities carried out under such sec-  
11 tion 203 with any related activities carried out under this  
12 section.

13 **“SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.**

14       “There are authorized to be appropriated to carry out  
15 this part \$1,600,000,000 for fiscal year 2001 and such  
16 sums as may be necessary for each of the 4 succeeding  
17 fiscal years.

18 **“PART B—CLASS SIZE REDUCTION**

19 **“SEC. 2031. FINDINGS.**

20       “Congress makes the following findings:

21               “(1) Rigorous research has shown that students  
22 attending small classes in the early grades make  
23 more rapid educational gains than students in larger  
24 classes, and that those gains persist through at least  
25 the eighth grade.



1           “(2) The benefits of smaller classes are greatest  
2           for lower-achieving, minority, poor, and inner-city  
3           children, as demonstrated by a study that found that  
4           urban fourth graders in smaller-than-average classes  
5           were  $\frac{3}{4}$  of a school year ahead of their counterparts  
6           in larger-than-average classes.

7           “(3) Teachers in small classes can provide stu-  
8           dents with more individualized attention, spend more  
9           time on instruction and less time on other tasks, and  
10          cover more material effectively, and are better able  
11          to work with parents to further their children’s edu-  
12          cation, than teachers in large classes.

13          “(4) Smaller classes allow teachers to identify  
14          and work with students who have learning disabil-  
15          ities sooner than is possible with larger classes, po-  
16          tentially reducing those students’ needs for special  
17          education services in the later grades.

18          “(5) The National Research Council report,  
19          ‘Preventing Reading Difficulties in Young Children’,  
20          recommends reducing class sizes, accompanied by  
21          providing high-quality professional development for  
22          teachers, as a strategy for improving student  
23          achievement in reading.

24          “(6) Efforts to improve educational outcomes  
25          by reducing class sizes in the early grades are likely

1 to be successful only if well-qualified teachers are  
2 hired to fill additional classroom positions, and if  
3 teachers receive intensive, ongoing professional de-  
4 velopment.

5 “(7) Several States and school districts have  
6 begun serious efforts to reduce class sizes in the  
7 early elementary school grades, but those efforts  
8 may be impeded by financial limitations or difficul-  
9 ties in hiring highly qualified teachers.

10 “(8) The Federal Government can assist in  
11 those efforts by providing funding for class size re-  
12 ductions in grades 1 through 3, and by helping to  
13 ensure that both new and current teachers who are  
14 moving into smaller classrooms are well prepared.

15 **“SEC. 2032. PURPOSE.**

16 “The purpose of this part is to help States and local  
17 educational agencies recruit, train, and hire 100,000 addi-  
18 tional teachers in order to—

19 “(1) reduce nationally class size in grades 1  
20 through 3 to an average of 18 students per regular  
21 classroom; and

22 “(2) improve teaching in the early elementary  
23 school grades so that all students can learn to read  
24 independently and well by the end of the third  
25 grade.

1 **“SEC. 2033. ALLOTMENTS TO STATES.**

2 “(a) RESERVATIONS FOR THE OUTLYING AREAS AND  
3 THE BUREAU OF INDIAN AFFAIRS.—From the amount  
4 appropriated under section 2042 for any fiscal year, the  
5 Secretary shall reserve a total of not more than 1 percent  
6 to make payments to—

7 “(1) outlying areas, on the basis of their respec-  
8 tive needs, for activities, approved by the Secretary,  
9 consistent with this part; and

10 “(2) the Secretary of the Interior for activities  
11 approved by the Secretary of Education, consistent  
12 with this part, in schools operated or supported by  
13 the Bureau of Indian Affairs, on the basis of their  
14 respective needs.

15 **“(b) ALLOTMENTS TO STATES.—**

16 “(1) IN GENERAL.—From the amount appro-  
17 priated under section 2042 for a fiscal year and re-  
18 maining after the Secretary makes reservations  
19 under subsection (a), the Secretary shall make  
20 grants by allotting to each State having a State ap-  
21 plication approved under section 2034(c) an amount  
22 that bears the same relationship to the remainder as  
23 the greater of the amounts that the State received  
24 in the preceding fiscal year under sections 1122 and  
25 2202(b) (as such sections were in effect on the day  
26 preceding the date of enactment of the Public Edu-

1 cation Reinvestment, Reinvention, and Rededication  
2 Act) bears to the total of the greater amounts that  
3 all States received under such sections for the pre-  
4 ceding fiscal year.

5 “(2) Ratable Reduction.—If the sums made  
6 available under paragraph (1) for any fiscal year are  
7 insufficient to pay the full amounts that all States  
8 are eligible to receive under paragraph (1) for such  
9 year, the Secretary shall ratably reduce such  
10 amounts for such year.

11 “(3) Reallocation.—If any State chooses not  
12 to participate in the program carried out under this  
13 part, or fails to submit an approvable application  
14 under this part, the Secretary shall reallocate the  
15 amount that such State would have received under  
16 paragraphs (1) and (2) to States having applications  
17 approved under section 2034(c), in accordance with  
18 paragraphs (1) and (2).

19 **“SEC. 2034. APPLICATIONS.**

20 “(a) Applications Required.—The State edu-  
21 cational agency for each State desiring a grant under this  
22 part shall submit an application to the Secretary at such  
23 time, in such form, and containing such information as  
24 the Secretary may require.

25 “(b) Contents.—The application shall include—

1           “(1) a description of the State’s goals for using  
2           funds under this part to reduce average class sizes  
3           in regular classrooms in grades 1 through 3, includ-  
4           ing a description of class sizes in those classrooms,  
5           for each local educational agency in the State (as of  
6           the date of submission of the application);

7           “(2) a description of how the State educational  
8           agency will allocate program funds made available  
9           through the grant within the State;

10           “(3) a description of how the State will use  
11           other funds, including other Federal funds, to re-  
12           duce class sizes and to improve teacher quality and  
13           reading achievement within the State; and

14           “(4) an assurance that the State educational  
15           agency will submit to the Secretary such reports and  
16           information as the Secretary may reasonably re-  
17           quire.

18           “(c) APPROVAL OF APPLICATIONS.—The Secretary  
19           shall approve a State application submitted under this sec-  
20           tion if the application meets the requirements of this sec-  
21           tion and holds reasonable promise of achieving the purpose  
22           of this part.

23           **“SEC. 2035. WITHIN-STATE ALLOCATIONS.**

24           “(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-  
25           CIES.—Each State receiving a grant under this part for

1 any fiscal year may reserve not more than 1 percent of  
2 the grant funds for the cost of administering this part  
3 and, using the remaining funds, shall make subgrants by  
4 allocating to each local educational agency in the State  
5 the sum of—

6           “(1) an amount that bears the same relation-  
7 ship to 80 percent of the remainder as the school-  
8 age population from families with incomes below the  
9 poverty line in the area served by the local edu-  
10 cational agency bears to the school-age population  
11 from families with incomes below the poverty line in  
12 the area served by all local educational agencies in  
13 the State; and

14           “(2) an amount that bears the same relation-  
15 ship to 20 percent of the remainder as the enroll-  
16 ment of the school-age population in public and pri-  
17 vate nonprofit elementary schools and secondary  
18 schools in the area served by the local educational  
19 agency bears to the enrollment of the school-age  
20 population in public and private nonprofit elemen-  
21 tary schools and secondary schools in the area  
22 served by all local educational agencies in the State.

23           “(b) REALLOCATION.—If any local educational agen-  
24 cy chooses not to participate in the program carried out  
25 under this part, or fails to submit an approvable applica-

1 tion under this part, the State educational agency shall  
2 reallocate the amount such local educational agency would  
3 have received under subsection (a) to local educational  
4 agencies having applications approved under section  
5 2036(b), in accordance with subsection (a).

6 **“SEC. 2036. LOCAL APPLICATIONS.**

7       “(a) IN GENERAL.—Each local educational agency  
8 desiring a subgrant under section 2035(a) shall submit an  
9 application to the appropriate State educational agency at  
10 such time, in such form, and containing such information  
11 as the State educational agency may require, including a  
12 description of the local educational agency’s program to  
13 reduce class sizes by hiring additional highly qualified  
14 teachers.

15       “(b) APPROVAL OF APPLICATIONS.—The State edu-  
16 cational agency shall approve a local agency application  
17 submitted under subsection (a) if the application meets  
18 the requirements of subsection (a) and holds reasonable  
19 promise of achieving the purpose of this part.

20 **“SEC. 2037. USES OF FUNDS.**

21       “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
22 cational agency receiving a subgrant under section  
23 2035(a) may use not more than 3 percent of the subgrant  
24 funds for any fiscal year for the cost of administering this  
25 part.

1       “(b) RECRUITMENT, TEACHER TESTING, AND PRO-  
2       FESSIONAL DEVELOPMENT.—

3               “(1) IN GENERAL.—Each local educational  
4       agency receiving subgrant funds under this section  
5       shall use such subgrant funds to carry out effective  
6       approaches to reducing class size with fully qualified  
7       teachers who are certified within the State (includ-  
8       ing teachers certified through State or local alter-  
9       native routes) and who demonstrate competency in  
10      the areas in which the teachers provide instruction,  
11      to improve educational achievement for both regular  
12      and special needs children, with particular consider-  
13      ation given to reducing class size in the early ele-  
14      mentary grades.

15              “(2) LOCAL ACTIVITIES.—

16                      “(A) IN GENERAL.—Each local educational  
17      agency receiving subgrant funds under this sec-  
18      tion may use such subgrant funds for—

19                              “(i) recruiting (including through the  
20                      use of signing bonuses, and other financial  
21                      incentives), hiring, and training fully quali-  
22                      fied regular and special education teachers  
23                      (which may include hiring special edu-  
24                      cation teachers to team-teach with regular  
25                      teachers in classrooms that contain both



1 children with disabilities and non-disabled  
2 children) and teachers of special-needs  
3 children, who are certified within the  
4 State, including teachers who are certified  
5 through State or local alternative routes,  
6 have a bachelor's degree, and demonstrate  
7 the general knowledge, teaching skills, and  
8 subject matter knowledge required to teach  
9 in the content areas in which the teachers  
10 provide instruction;

11 “(ii) testing new teachers for aca-  
12 demic content knowledge and satisfaction  
13 of State certification requirements con-  
14 sistent with title II of the Higher Edu-  
15 cation Act of 1965; and

16 “(iii) providing professional develop-  
17 ment (which may include such activities as  
18 promoting retention and mentoring) to  
19 teachers, including special education teach-  
20 ers and teachers of special-needs children,  
21 in order to meet the goal of ensuring that  
22 all instructional staff have the subject mat-  
23 ter knowledge, teaching knowledge, and  
24 teaching skills necessary to teach effec-  
25 tively in the content area or areas in which

1 they provide instruction, consistent with  
2 title II of the Higher Education Act of  
3 1965.

4 “(B) LIMITATIONS.—

5 “(i) IN GENERAL.—Except as pro-  
6 vided in clause (ii), a local educational  
7 agency may use not more than a total of  
8 25 percent of the award received under  
9 this section for activities described in sub-  
10 paragraph (A)(ii) and (iii).

11 “(ii) ED-FLEX.—

12 “(I) WAIVER.—A local edu-  
13 cational agency located in a State des-  
14 ignated as an Ed-Flex Partnership  
15 State under section 4(a)(1)(B) of the  
16 Education Flexibility Partnership Act  
17 of 1999, and in which 10 percent or  
18 more of teachers in elementary  
19 schools, as defined by section  
20 8101(14), have not met applicable  
21 State and local certification require-  
22 ments (including certification through  
23 State or local alternative routes), or if  
24 such requirements have been waived,  
25 may apply to the State educational

1 agency for a waiver that would permit  
2 the agency to use more than 25 per-  
3 cent of the funds it receives under this  
4 section for activities described in sub-  
5 paragraph (A)(iii) for the purpose of  
6 helping teachers to become certified.

7 “(II) APPROVAL.—If the State  
8 educational agency approves the local  
9 educational agency’s application for a  
10 waiver under subclause (I), the local  
11 educational agency may use the funds  
12 subject to the waiver for activities de-  
13 scribed in subparagraph (A)(iii) that  
14 are needed to ensure that at least 90  
15 percent of the teachers in elementary  
16 schools within the State are certified.

17 “(C) ADDITIONAL USES.—

18 “(i) IN GENERAL.—A local edu-  
19 cational agency that has already reduced  
20 class size in the early grades to 18 or less  
21 children (or has already reduced class size  
22 to a State or local class size reduction goal  
23 that was in effect on the day before the en-  
24 actment of the Department of Education  
25 Appropriations Act, 2000, if that State or

1 local educational agency goal is 20 or  
2 fewer children) may use funds received  
3 under this section—

4 “(I) to make further class size  
5 reductions in grades kindergarten  
6 through 3;

7 “(II) to reduce class size in other  
8 grades; or

9 “(III) to carry out activities to  
10 improve teacher quality, including  
11 professional development.

12 “(ii) PROFESSIONAL DEVELOP-  
13 MENT.—If a local educational agency has  
14 already reduced class size in the early  
15 grades to 18 or fewer children and intends  
16 to use funds provided under this Part to  
17 carry out professional development activi-  
18 ties, including activities to improve teacher  
19 quality, then the State shall make the  
20 award under section 2035 to the local edu-  
21 cational agency.

22 “(c) SPECIAL RULE.—Notwithstanding subsection  
23 (b), if the award to a local educational agency under sec-  
24 tion 2035 is less than the starting salary for a new fully  
25 qualified teacher teaching in a school served by that agen-

1 cy, and such teacher is certified within the State (which  
2 may include certification through State or local alternative  
3 routes), has a bachelor's degree, and demonstrates the  
4 general knowledge, teaching skills, and subject matter  
5 knowledge required to teach in the content areas the  
6 teacher is assigned to provide instruction, then the agency  
7 may use grant funds under this part to—

8           “(1) help pay the salary of a full- or part-time  
9           teacher hired to reduce class size, which may be in  
10          combination with other Federal, State, or local  
11          funds; or

12           “(2) pay for activities described in subsection  
13          (b), which may be related to teaching in smaller  
14          classes.

15 **“SEC. 2038. PRIVATE SCHOOLS.**

16          “If a local educational agency uses funds made avail-  
17          able under this Part for professional development activi-  
18          ties, the local educational agency shall ensure the equitable  
19          participation of private nonprofit elementary schools and  
20          secondary schools in such activities.

21 **“SEC. 2039. TEACHER SALARIES AND BENEFITS.**

22          “A local educational agency may use grant funds pro-  
23          vided under this part—

24               “(1) except as provided in paragraph (2), to in-  
25               crease the salaries of, or provide benefits (other than

1 participation in professional development and enrich-  
2 ment programs) to, teachers only if such teachers  
3 were hired under this part; and

4 “(2) to pay the salaries of teachers hired under  
5 section 307 of the Department of Education Appro-  
6 priations Act of 1999 who, not later than the begin-  
7 ning of the 2001–2002 school year, are fully quali-  
8 fied, as defined in section 2002(1).

9 **“SEC. 2040. STATE REPORT REQUIREMENTS.**

10 “(a) REPORT ON ACTIVITIES.—A State educational  
11 agency receiving funds under this part shall submit a re-  
12 port to the Secretary providing information about the ac-  
13 tivities in the State assisted under this part.

14 “(b) REPORT TO PARENTS.—Each State educational  
15 agency and local educational agency receiving funds under  
16 this part shall publicly issue a report to parents of children  
17 who attend schools assisted under this part describing—

18 “(1) the agency’s progress in reducing class  
19 size;

20 “(2) the agency’s progress in increasing the  
21 percentage of classes in core academic areas that are  
22 taught by fully qualified teachers who are certified  
23 within the State and demonstrate competency in the  
24 content areas in which the teachers provide instruc-  
25 tion; and

1           “(3) the impact, if any, that hiring additional  
2           highly qualified teachers and reducing class size has  
3           had on increasing student academic achievement in  
4           schools served by the agency.

5           “(c) PROFESSIONAL QUALIFICATIONS REPORT.—  
6           Upon the request of a parent of a child attending a school  
7           receiving assistance under this part, such school shall pro-  
8           vide the parent with information regarding the profes-  
9           sional qualifications of their child’s teacher.

10       **“SEC. 2041. SUPPLEMENT NOT SUPPLANT.**

11           “Each local educational agency receiving grant funds  
12           under this part shall use such funds only to supplement,  
13           and not to supplant, State and local funds that, in the  
14           absence of such funds, would otherwise be spent for activi-  
15           ties under this part.

16       **“SEC. 2042. AUTHORIZATION OF APPROPRIATIONS.**

17           “For the purpose of carrying out this part, there are  
18           authorized to be appropriated \$1,400,000,000 for fiscal  
19           year 2001, and such sums as may be necessary for each  
20           of the 4 succeeding fiscal years.”.

1 **TITLE III—LANGUAGE MINORITY**  
2 **STUDENTS AND INDIAN, NA-**  
3 **TIVE HAWAIIAN, AND ALASKA**  
4 **NATIVE EDUCATION**

5 **SEC. 301. LANGUAGE MINORITY STUDENTS.**

6 Title III (20 U.S.C. 6801 et seq.) is amended—

7 (1) by amending the heading for title III to  
8 read as follows:

9 **“TITLE III—LANGUAGE MINOR-**  
10 **ITY STUDENTS AND INDIAN,**  
11 **NATIVE HAWAIIAN, AND ALAS-**  
12 **KA NATIVE EDUCATION”;**

13 (2) by repealing section 3101 (20 U.S.C. 6801)  
14 and part A (20 U.S.C. 6811 et seq.); and

15 (3) by inserting after the heading for title III  
16 (as amended by paragraph (1)) the following:

17 **“Subtitle A—Language Minority**  
18 **Students**

19 **“SEC. 3101. FINDINGS, POLICY, AND PURPOSE.**

20 “(a) FINDINGS.—Congress makes the following find-  
21 ings:

22 “(1)(A) Educating limited English proficient  
23 students is an urgent goal for many local edu-  
24 cational agencies, but that goal is not being  
25 achieved.



1           “(B) Each year, 640,000 limited English pro-  
2           ficient students are not served by any sort of pro-  
3           gram targeted to the students’ unique needs.

4           “(C) In 1998, only 15 percent of local edu-  
5           cational agencies that applied for funding under en-  
6           hancement grants and comprehensive school grants  
7           received such funding.

8           “(2)(A) The school dropout rate for Hispanic  
9           students, the largest group of limited English pro-  
10          ficient students, is approximately 25 percent, and is  
11          approximately 46 percent for Hispanic students born  
12          outside of the United States.

13          “(B) A United States Department of Education  
14          report regarding school dropout rates states that  
15          language difficulty ‘may be a barrier to participation  
16          in United States schools’.

17          “(C) Reading ability is a key predictor of grad-  
18          uation and academic success.

19          “(3) Through fiscal year 1999, bilingual edu-  
20          cation capacity and demonstration grants—

21                 “(A) have spread funding too broadly to  
22                 make an impact on language instruction edu-  
23                 cational programs implemented by State edu-  
24                 cational agencies and local educational agencies;  
25                 and

1                   “(B) have lacked concrete performance  
2                   measures.

3                   “(4)(A) Since 1979, the number of limited  
4                   English proficient children in schools in the United  
5                   States has doubled, and demographic trends indicate  
6                   the population of limited English proficient children  
7                   will continue to increase.

8                   “(B) Language-minority Americans speak vir-  
9                   tually all world languages plus many that are indige-  
10                  nous to the United States.

11                  “(C) The rich linguistic diversity language-mi-  
12                  nority students bring to America’s classrooms en-  
13                  hances the learning environment for all students and  
14                  should be valued for the significant, positive impact  
15                  such diversity has on the entire school environment.

16                  “(D) Parent and community participation in  
17                  educational language programs for limited English  
18                  proficient students contributes to program effective-  
19                  ness.

20                  “(E) The Federal Government, as reflected in  
21                  title VI of the Civil Rights Act of 1964 (42 U.S.C.  
22                  2000d et seq.) and section 204(f) of the Equal Edu-  
23                  cation Opportunities Act of 1974 (20 U.S.C. 1703),  
24                  has a special and continuing obligation to ensure  
25                  that States and local educational agencies take ap-

1       appropriate action to provide equal educational oppor-  
2       tunities to limited English proficient children and  
3       youth.

4               “(F) The Federal Government also, as exempli-  
5       fied by programs authorized under this title, has a  
6       special and continuing obligation to assist States  
7       and local educational agencies to develop the capac-  
8       ity to provide programs of instruction that offer lim-  
9       ited English proficient children and youth equal edu-  
10      cational opportunities.

11              “(5) Limited English proficient children and  
12      youth face a number of challenges in receiving an  
13      education that will enable them to participate fully  
14      in American society, including—

15              “(A) disproportionate attendance in high-  
16      poverty schools, as demonstrated by the fact  
17      that, in 1994, 75 percent of limited English  
18      proficient students attended schools in which as  
19      least half of all students were eligible for free  
20      or reduced-price meals;

21              “(B) the limited ability of parents of such  
22      children and youth to participate fully in the  
23      education of their children because of the par-  
24      ents’ own limited English proficiency;

1           “(C) a shortage of teachers and other staff  
2           who are professionally trained and qualified to  
3           serve such children and youth; and

4           “(D) lack of appropriate performance and  
5           assessment standards that distinguish between  
6           language and academic achievement so that  
7           there is equal accountability on the part of  
8           State educational agencies and local educational  
9           agencies for the achievement of limited English  
10          proficient students in academic content while  
11          acquiring English language skills.

12          “(b) POLICY.—Congress declares it to be the policy  
13          of the United States that in order to ensure equal edu-  
14          cational opportunity for all children and youth, and to pro-  
15          mote educational excellence, the Federal Government  
16          should—

17               “(1) assist State educational agencies, local  
18               educational agencies, and community-based organi-  
19               zations to build their capacity to establish, imple-  
20               ment, and sustain programs of instruction and  
21               English language development for children and  
22               youth of limited English proficiency;

23               “(2) hold State educational agencies and local  
24               educational agencies accountable for increases in

1 English proficiency and core content knowledge  
2 among limited English proficient students; and

3 “(3) promote parental and community partici-  
4 pation in limited English proficiency programs.

5 “(c) PURPOSE.—The purpose of this subtitle is to as-  
6 sist all limited English proficient students so that those  
7 students can meet or exceed the State proficient standard  
8 level for academic performance in core subject areas ex-  
9 pected of all elementary school and secondary school stu-  
10 dents, and succeed in our Nation’s society, by—

11 “(1) streamlining existing language instruction  
12 programs into a performance-based grant for State  
13 and local educational agencies to help limited  
14 English proficient students become proficient in  
15 English;

16 “(2) increasing significantly the amount of Fed-  
17 eral assistance to local educational agencies serving  
18 such students while requiring that State educational  
19 agencies and local educational agencies demonstrate  
20 annual improvements in the English proficiency of  
21 such students from the preceding fiscal year; and

22 “(3) providing State educational agencies and  
23 local educational agencies with the flexibility to im-  
24 plement instructional programs based on scientific

1 research that the agencies believe to be the most ef-  
2 fective for teaching English.

3 **“SEC. 3102. DEFINITIONS.**

4 “Except as otherwise provided, for purposes of this  
5 subtitle:

6 “(1) LIMITED ENGLISH PROFICIENT STU-  
7 DENT.—The term ‘limited English proficient stu-  
8 dent’ means an individual aged 5 through 17 en-  
9 rolled in an elementary school or secondary school—

10 “(A) who—

11 “(i) was not born in the United States  
12 or whose native language is a language  
13 other than English; or

14 “(ii) is a Native American or Alaska  
15 Native, or who is a native resident of the  
16 outlying areas and comes from an environ-  
17 ment where a language other than English  
18 has had a significant impact on such indi-  
19 vidual’s level of English language pro-  
20 ficiency; or

21 “(iii) is migratory and whose native  
22 language is other than English, and who  
23 comes from an environment where a lan-  
24 guage other than English is dominant; and

1           “(B) who has sufficient difficulty speaking,  
2           reading, writing, or understanding the English  
3           language, and whose difficulties may deny such  
4           individual the opportunity to learn successfully  
5           in classrooms where the language of instruction  
6           is English or to participate fully in our society.

7           “(2) LANGUAGE INSTRUCTION EDUCATIONAL  
8           PROGRAM.—The term ‘language instruction edu-  
9           cational program’ means an instructional course in  
10          which a limited English proficient student is placed  
11          for the purpose of becoming proficient in the  
12          English language.

13          “(3) SPECIALLY QUALIFIED AGENCY.—The  
14          term ‘specially qualified agency’ means a local edu-  
15          cational agency in a State that does not participate  
16          in a program under this subtitle for a fiscal year.

17          “(4) STATE.—The term ‘State’ means each of  
18          the several States of the United States, the District  
19          of Columbia, and the Commonwealth of Puerto Rico.

20   **“SEC. 3103. PROGRAM AUTHORIZED.**

21          “(a) GRANTS AUTHORIZED.—The Secretary shall  
22          award grants, from allotments under subsection (b), to  
23          each State having a State plan approved under section  
24          3105(c), to enable the State to help limited English pro-  
25          ficient students become proficient in English.

1 “(b) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount appro-  
3 priated under section 3110 to carry out this subtitle  
4 for each fiscal year, the Secretary shall reserve—

5 “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
6 payments to the Secretary of the Interior for  
7 activities approved by the Secretary, consistent  
8 with this subtitle, in schools operated or sup-  
9 ported by the Bureau of Indian Affairs, on the  
10 basis of their respective needs for assistance  
11 under this subtitle; and

12 “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
13 payments to outlying areas, to be allotted in ac-  
14 cordance with their respective needs as deter-  
15 mined by the Secretary, for activities, approved  
16 by the Secretary, consistent with this subtitle.

17 “(2) STATE ALLOTMENTS.—From the amount  
18 appropriated under section 3110 for any of the fiscal  
19 years 2001 through 2005 that remains after making  
20 reservations under paragraph (1), the Secretary  
21 shall allot to each State having a State plan ap-  
22 proved under section 3105(c) an amount that bears  
23 the same relationship to the remainder as the num-  
24 ber of limited English proficient students in the



1 State bears to the number of limited English pro-  
2 ficient students in all States.

3 “(3) DATA.—For the purpose of determining  
4 the number of limited English proficient students in  
5 a State and in all States for each fiscal year, the  
6 Secretary shall use data that will yield the most ac-  
7 curate, up-to-date, numbers of such students,  
8 including—

9 “(A) data available from the Bureau of the  
10 Census; or

11 “(B) data submitted to the Secretary by  
12 the States to determine the number of limited  
13 English proficient students in a State and in all  
14 States.

15 “(4) HOLD-HARMLESS AMOUNTS.—For fiscal  
16 year 2001, and for each of the 4 succeeding fiscal  
17 years, notwithstanding paragraph (2), the total  
18 amount allotted to each State under this subsection  
19 shall be not less than 85 percent of the total amount  
20 the State was allotted under parts A and B of title  
21 VII (as such title was in effect on the day preceding  
22 the date of enactment of the Public Education Rein-  
23 vestment, Reinvention, and Responsibility Act).

24 “(c) DIRECT AWARDS TO SPECIALLY QUALIFIED  
25 AGENCIES.—

1           “(1) NONPARTICIPATING STATE.—If a State  
2           educational agency for a fiscal year elects not to par-  
3           ticipate in a program under this subtitle, or does not  
4           have an application approved under section 3105(c),  
5           a specially qualified agency in such State desiring a  
6           grant under this subtitle for the fiscal year shall  
7           apply directly to the Secretary to receive a grant  
8           under this subsection.

9           “(2) DIRECT AWARDS.—The Secretary may  
10          award, on a competitive basis, the amount the State  
11          educational agency is eligible to receive under sub-  
12          section (b)(2) directly to specially qualified agencies  
13          in the State desiring a grant under paragraph (1)  
14          and having an application approved under section  
15          3105(c).

16          “(3) ADMINISTRATIVE FUNDS.—A specially  
17          qualified agency that receives a direct grant under  
18          this subsection may use not more than 1 percent of  
19          the grant funds for the administrative costs of car-  
20          rying out this subtitle in the first year the agency  
21          receives a grant under this subsection and 0.5 per-  
22          cent for such costs in the second and each suc-  
23          ceeding such year.

1   **“SEC. 3104. WITHIN-STATE ALLOCATIONS.**

2           “(a) GRANT AWARDS.—Each State educational agen-  
3   cy receiving a grant under section 3103(a) shall use 95  
4   percent of the grant funds to award subgrants, from allot-  
5   ments under subsection (b), to local educational agencies  
6   in the State to carry out the activities described in section  
7   3107.

8           “(b) ALLOTMENT FORMULA.—Each State edu-  
9   cational agency receiving a grant under this subtitle shall  
10   award a grant to each local educational agency in the  
11   State having a plan approved under section 3106 in an  
12   amount that bears the same relationship to the amount  
13   of funds appropriated under section 3110 as the school-  
14   age population of limited English proficient students in  
15   schools served by the local educational agency bears to the  
16   school-age population of limited English proficient stu-  
17   dents in schools served by all local educational agencies  
18   in the State.

19          “(c) RESERVATIONS.—

20               “(1) STATE ACTIVITIES.—Each State edu-  
21   cational agency receiving a grant under this subtitle  
22   may reserve not more than 5 percent of the grant  
23   funds to carry out activities described in the State  
24   plan submitted under section 3105.

25               “(2) ADMINISTRATIVE EXPENSES.—From the  
26   amount reserved under paragraph (1), a State edu-

1        cational agency may use not more than 2 percent for  
2        the planning costs and administrative costs of car-  
3        rying out the activities described in the State plan  
4        and providing grants to local educational agencies.

5    **“SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY**  
6                    **PLAN.**

7        “(a) PLAN REQUIRED.—Each State educational  
8        agency and specially qualified agency desiring a grant  
9        under this subtitle shall submit a plan to the Secretary  
10       at such time, in such manner and accompanied by such  
11       information as the Secretary may require.

12       “(b) CONTENTS.—Each State plan submitted under  
13       subsection (a) shall—

14                “(1) describe how the State or specially quali-  
15       fied agency will—

16                    “(A) establish standards and benchmarks  
17           for English language development that are  
18           aligned with the State content and student per-  
19           formance standards described in section 1111;

20                    “(B) develop high-quality, annual assess-  
21           ments to measure English language proficiency,  
22           including proficiency in the 4 recognized do-  
23           mains of speaking, listening, reading, and writ-  
24           ing; and

1           “(C) develop annual performance objec-  
2           tives, based on the English language develop-  
3           ment standards described in subparagraph (A),  
4           to raise the level of English proficiency of each  
5           limited English proficient student;

6           “(2) contain an assurance that the State edu-  
7           cational agency or specially qualified agency con-  
8           sulted with local educational agencies, education-re-  
9           lated community groups and nonprofit organizations,  
10          parents, teachers, school administrators, and  
11          English language instruction specialists, in the set-  
12          ting of the performance objectives;

13          “(3) describe how—

14               “(A) in the case of a State educational  
15               agency, the State educational agency will hold  
16               local educational agencies and elementary  
17               schools and secondary schools accountable for—

18                       “(i) meeting the English proficiency  
19                       performance objectives described in section  
20                       3109; and

21                       “(ii) making adequate yearly progress  
22                       with limited English proficient students in  
23                       the subject areas of core content knowl-  
24                       edge as described in section 1111; and

1           “(B) in the case of a specially qualified  
2           agency, the agency will hold elementary schools  
3           and secondary schools accountable for meeting  
4           the English proficiency performance objectives  
5           described in section 3109, and making adequate  
6           yearly progress, including annual numerical  
7           goals for improving the performance of limited  
8           English proficient students on performance  
9           standards described in section  
10          1111(b)(1)(D)(ii);

11          “(4) describe the activities for which assistance  
12          is sought, and how the activities will increase the  
13          speed and effectiveness with which students learn  
14          English;

15          “(5) in the case of a State educational agency,  
16          describe how local educational agencies in the State  
17          will be given the flexibility to teach English—

18                 “(A) using language instruction curriculum  
19                 that is scientifically research based; and

20                 “(B) in the manner the local educational  
21                 agencies determine to be the most effective; and

22          “(6) describe how—

23                 “(A) in the case of a State educational  
24                 agency, the State educational agency will pro-  
25                 vide technical assistance to local educational

1 agencies and elementary schools and secondary  
2 schools for the purposes of identifying and im-  
3 plementing English language instruction edu-  
4 cational programs and curricula that are sci-  
5 entifically research based; and

6 “(B) in the case of a specially qualified  
7 agency, the specially qualified agency will pro-  
8 vide technical assistance to elementary schools  
9 and secondary schools served by the specially  
10 qualified agency for the purposes of identifying  
11 and implementing English language instruction  
12 educational programs and curricula that are  
13 scientifically research based.

14 “(c) APPROVAL.—The Secretary, using a peer review  
15 process, shall approve a State plan or a specially qualified  
16 agency plan if the plan meets the requirements of this sec-  
17 tion, and holds reasonable promise of achieving the pur-  
18 pose described in section 3101(c).

19 “(d) DURATION OF THE PLAN.—

20 “(1) IN GENERAL.—Each State plan or spe-  
21 cially qualified agency plan shall—

22 “(A) remain in effect for the duration of  
23 the State’s or specially qualified agency’s par-  
24 ticipation under this subtitle; and;

1           “(B) be periodically reviewed and revised  
2           by the State or specially qualified agency, as  
3           necessary, to reflect changes in the State’s or  
4           specially qualified agency’s strategies and pro-  
5           grams under this subtitle.

6           “(2) ADDITIONAL INFORMATION.—If the State  
7           educational agency or specially qualified agency  
8           makes significant changes in its plan, such as the  
9           adoption of new performance objectives or assess-  
10          ment measures, the State educational agency or spe-  
11          cially qualified agency shall submit such information  
12          to the Secretary.

13          “(e) CONSOLIDATED PLAN.—A State plan submitted  
14          under subsection (a) may be submitted as part of a con-  
15          solidated plan under section 8302.

16          “(f) SECRETARY ASSISTANCE.—Pursuant to section  
17          7004(a)(3), the Secretary shall provide assistance, if re-  
18          quired, in the development of English language develop-  
19          ment standards and English language proficiency assess-  
20          ments.

21          **“SEC. 3106. LOCAL PLANS.**

22          “(a) PLAN REQUIRED.—Each local educational agen-  
23          cy desiring a grant from the State educational agency  
24          under section 3104(a) shall submit a plan to the State  
25          educational agency at such time, in such manner, and ac-



1    accompanied by such information as the State educational  
2    agency may require.

3           “(b) CONTENTS.—Each local educational agency plan  
4    submitted under subsection (a) shall—

5           “(1) describe how the local educational agency  
6           shall use the grant funds to meet the English pro-  
7           ficiency performance objective described in section  
8           3109;

9           “(2) describe how the local educational agency  
10          will hold elementary schools and secondary schools  
11          accountable for meeting the performance objectives;

12          “(3) contain an assurance that the local edu-  
13          cational agency consulted with elementary schools  
14          and secondary schools, education-related community  
15          groups and nonprofit organizations, institutions of  
16          higher education, parents, language instruction  
17          teachers, school administrators, and English lan-  
18          guage instruction specialists, in developing the local  
19          educational agency plan; and

20          “(4) contain an assurance that the local edu-  
21          cational agency will use the disaggregated results of  
22          the student assessments required under section  
23          1111(b)(4), and other measures or indicators avail-  
24          able to the agency, to review annually the progress  
25          of each school served by the agency under this part

1 and under title I to determine whether the schools  
2 are making the annual progress necessary to ensure  
3 that limited English proficient students attending  
4 the schools will meet the proficient State content  
5 and student performance standard within 10 years  
6 of enactment of the Public Education Reinvestment,  
7 Reinvention, and Responsibility Act.

8 **“SEC. 3107. USES OF FUNDS.**

9 “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
10 cational agency receiving a grant under section 3104 may  
11 use not more than 1 percent of the grant funds for any  
12 fiscal year for the cost of administering this subtitle.

13 “(b) ACTIVITIES.—Each local educational agency re-  
14 ceiving grant funds under section 3104 shall use the grant  
15 funds that are not used under subsection (a)—

16 “(1) to increase limited English proficient stu-  
17 dents’ proficiency in English by providing high-qual-  
18 ity English language instruction programs, such as  
19 bilingual education programs and transitional edu-  
20 cation or English immersion education programs,  
21 that are—

22 “(A) tied to scientifically based research  
23 demonstrating the effectiveness of the programs  
24 in increasing English proficiency; and

1           “(B) approved by the State educational  
2           agency;

3           “(2) to provide high-quality professional devel-  
4           opment activities for teachers of limited English pro-  
5           ficient students that are—

6           “(A) designed to enhance the ability of  
7           such teachers to understand and use curricula,  
8           assessment measures, and instructional strate-  
9           gies for limited English proficient students;

10          “(B) tied to scientifically based research  
11          demonstrating the effectiveness of such pro-  
12          grams in increasing students’ English pro-  
13          ficiency or substantially increasing the knowl-  
14          edge and teaching skills of such teachers; and

15          “(C) of sufficient intensity and duration  
16          (such as not to include 1-day or short-term  
17          workshops and conferences) to have a positive  
18          and lasting impact on the teacher’s perform-  
19          ance in the classroom, except that this para-  
20          graph shall not apply to an activity that is 1  
21          component of a long-term, comprehensive pro-  
22          fessional development plan established by a  
23          teacher and the teacher’s supervisor based upon  
24          an assessment of the teacher’s and supervisor’s

1 needs, the student's needs, and the needs of the  
2 local educational agency;

3 “(3) to identify, acquire, and upgrade curricula,  
4 instructional materials, educational software, and as-  
5 sessment procedures; and

6 “(4) to provide parent and community partici-  
7 pation programs to improve English language in-  
8 struction programs for limited English proficient  
9 students.

10 **“SEC. 3108. PROGRAM REQUIREMENTS.**

11 “(a) PROHIBITION.—In carrying out this subtitle the  
12 Secretary shall neither mandate nor preclude a particular  
13 curricular or pedagogical approach to educating limited  
14 English proficient students.

15 “(b) TEACHER ENGLISH FLUENCY.—Each local edu-  
16 cational agency receiving grant funds under section 3104  
17 shall certify to the State educational agency that all teach-  
18 ers in any language instruction program for limited  
19 English proficient students funded under this subtitle are  
20 fluent in English.

21 **“SEC. 3109. PERFORMANCE OBJECTIVES.**

22 “(a) IN GENERAL.—Each State educational agency  
23 or specifically qualified agency receiving a grant under this  
24 subtitle shall develop annual numerical performance objec-  
25 tives with respect to helping limited English proficient stu-

1 dents become proficient in English. The objectives shall  
2 include incremental percentage increases for each fiscal  
3 year a State receives a grant under this subtitle, including  
4 increases in the number of limited English proficient stu-  
5 dents demonstrating an increase in performance on annual  
6 assessments in reading, writing, speaking, and listening  
7 comprehension, from the preceding fiscal year.

8 “(b) ACCOUNTABILITY.—Each State educational  
9 agency or specially qualified agency receiving a grant  
10 under this subtitle shall be held accountable for meeting  
11 the annual numerical performance objectives under this  
12 subtitle and the adequate yearly progress levels for limited  
13 English proficient students under section 1111(b)(2)(B)  
14 (iv) and (vii). Any State educational agency or specially  
15 qualified agency that fails to meet the annual performance  
16 objectives shall be subject to sanctions under section 7001.

17 **“SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out  
19 this subtitle \$1,000,000,000 for fiscal year 2001, and such  
20 sums as may be necessary for each of the 4 succeeding  
21 fiscal years.

22 **“SEC. 3111. REGULATIONS AND NOTIFICATION.**

23 “(a) REGULATION RULE.—In developing regulations  
24 under this subtitle, the Secretary shall consult with State  
25 educational agencies, local educational agencies, organiza-

1 tions representing limited English proficient individuals,  
2 and organizations representing teachers and other per-  
3 sonnel involved in the education of limited English pro-  
4 ficient students.

5 “(b) PARENTAL NOTIFICATION.—

6 “(1) IN GENERAL.—Each local educational  
7 agency shall notify parents of a student partici-  
8 pating in a language instruction educational pro-  
9 gram under this subtitle of—

10 “(A) the student’s level of English pro-  
11 ficiency, how such level was assessed, the status  
12 of the student’s academic achievement, and the  
13 implications of the student’s educational  
14 strengths and needs for age- and grade-appro-  
15 priate academic attainment, promotion, and  
16 graduation;

17 “(B) what programs are available to meet  
18 the student’s educational strengths and needs,  
19 and how such programs differ in content and  
20 instructional goals from other language instruc-  
21 tion educational programs and, in the case of a  
22 student with a disability, how such program  
23 meets the objectives of the individualized edu-  
24 cation program of such a student; and

1           “(C) the instructional goals of the lan-  
2           guage instruction educational program, and  
3           how the program will specifically help the lim-  
4           ited English proficient student learn English  
5           and meet age-appropriate standards for grade  
6           promotion and graduation, including—

7                   “(i) the characteristics, benefits, and  
8                   past academic results of the language in-  
9                   struction educational program and of in-  
10                  structional alternatives; and

11                  “(ii) the reasons the student was iden-  
12                  tified as being in need of a language in-  
13                  struction educational program.

14           “(2) OPTION TO DECLINE.—

15                   “(A) IN GENERAL.—Each parent described  
16                   in paragraph (1) shall also be informed that the  
17                   parent has the option of declining the enroll-  
18                   ment of their children or youth in a language  
19                   instruction educational program, and shall be  
20                   given an opportunity to decline such enrollment  
21                   if the parent so chooses.

22                   “(B) OBLIGATIONS.—A local educational  
23                   agency shall not be relieved of any of the agen-  
24                   cy’s obligations under title VI of the Civil  
25                   Rights Act of 1964 (42 U.S.C. 2000d et seq.)

1           if a parent chooses not to enroll their child in  
2           a language instruction educational program.

3           “(3) RECEIPT OF INFORMATION.—A parent de-  
4           scribed in paragraph (1) shall receive, in a manner  
5           and form understandable to the parent including, if  
6           necessary and to the extent feasible, in the native  
7           language of the parent, the information required by  
8           this subsection. At a minimum, the parent shall  
9           receive—

10                 “(A) timely information about projects  
11                 funded under this subtitle; and

12                 “(B) if the parent of a participating child  
13                 so desires, notice of opportunities for regular  
14                 meetings for the purpose of formulating and re-  
15                 sponding to recommendations from parents of  
16                 children assisted under this subtitle.

17           “(4) SPECIAL RULE.—A student shall not be  
18           admitted to, or excluded from, any Federally as-  
19           sisted language instruction educational program  
20           solely on the basis of a surname or language-minor-  
21           ity status.

22           “(5) LIMITATIONS ON CONDITIONS.—Nothing  
23           in this subtitle shall be construed to authorize an of-  
24           ficer or employee of the Federal Government to  
25           mandate, direct, or control a State’s, local edu-



1        cational agency's, elementary school's, or secondary  
2        school's specific challenging English language devel-  
3        opment standards or assessments, curricula, or pro-  
4        gram of instruction, as a condition of eligibility to  
5        receive grant funds under this subtitle.”.

6    **SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.**

7        (a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—  
8    Title III (20 U.S.C. 6801 et seq.) is further amended—

9                (1) by repealing part B (20 U.S.C. 6891 et  
10       seq.), part C (20 U.S.C. 6921 et seq.), part D (20  
11       U.S.C. 6951 et seq.), and part E (20 U.S.C. 6971  
12       et seq.);

13                (2) by transferring part C of title VII (20  
14       U.S.C. 7541 et seq.) to title III and inserting such  
15       part after subtitle A (as inserted by section 301(3));

16                (3) by redesignating the heading for part C of  
17       title VII (as transferred by paragraph (2)) as the  
18       heading for subtitle B, and redesignating accord-  
19       ingly the references to such part as the references to  
20       such subtitle; and

21                (4) by redesignating section 7301 through 7309  
22       (20 U.S.C. 7541, 7549) (as transferred by para-  
23       graph (2)) as sections 3201 through 3209, respec-  
24       tively, and redesignating accordingly the references  
25       to such sections.

1 (b) AMENDMENTS.—Subtitle B of title III (as so  
2 transferred and redesignated) is amended—

3 (1) in section 3205(a)(2) (as redesignated by  
4 subsection (a)(4)), by striking “the Goals 2000:  
5 Educate America Act,”; and

6 (2) in section 3209 (as redesignated by sub-  
7 section (a)(4)), by striking “\$100,000,000” and all  
8 that follows through “necessary for” and inserting  
9 “such sums as may be necessary for fiscal year 2001  
10 and”.

11 **SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE**  
12 **EDUCATION.**

13 (a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—  
14 Title III (20 U.S.C. 6801 et seq.) is further amended—

15 (1) by transferring title IX (20 U.S.C. 7801 et  
16 seq.) to title III and inserting such title after sub-  
17 title B (as inserted by section 302(a)(2));

18 (2) by redesignating the heading for title IX (as  
19 transferred by paragraph (1)) as the heading for  
20 subtitle C, and redesignating accordingly the ref-  
21 erences to such title as the references to such sub-  
22 title;

23 (3) by redesignating sections 9101 and 9102  
24 (20 U.S.C. 7801, 7802) (as transferred by para-  
25 graph (1)) as sections 3301 and 3302, respectively,

1 and redesignating accordingly the references to such  
2 sections;

3 (4) by redesignating sections 9111 through  
4 9118 (20 U.S.C. 7811, 7818) (as transferred by  
5 paragraph (1)) as sections 3311 through 3318, re-  
6 spectively, and redesignating accordingly the ref-  
7 erences to such sections;

8 (5) by redesignating sections 9121 through  
9 9125 (20 U.S.C. 7831, 7835) (as transferred by  
10 paragraph (1)) as sections 3321 through 3325, and  
11 redesignating accordingly the references to such sec-  
12 tion;

13 (6) by redesignating sections 9131 and 9141  
14 (20 U.S.C. 7851, 7861) (as transferred by para-  
15 graph (1)) as sections 3331 and 3341, respectively,  
16 and redesignating accordingly the references to such  
17 sections;

18 (7) by redesignating sections 9151 through  
19 9154 (20 U.S.C. 7871, 7874) (as transferred by  
20 paragraph (1)) as sections 3351 through 3354, re-  
21 spectively, and redesignating accordingly the ref-  
22 erences to such sections;

23 (8) by redesignating sections 9161 and 9162  
24 (20 U.S.C. 7881, 7882) (as transferred by para-  
25 graph (1)) as sections 3361 and 3362, respectively,

1 and redesignating accordingly the references to such  
2 sections;

3 (9) by redesignating sections 9201 through  
4 9212 (20 U.S.C. 7901, 7912) (as transferred by  
5 paragraph (1)) as sections 3401 through 3412, re-  
6 spectively, and redesignating accordingly the ref-  
7 erences to such sections; and

8 (10) by redesignating sections 9301 through  
9 9308 (20 U.S.C. 7931, 7938) (as transferred by  
10 paragraph (1)) as sections 3501 through 3508, and  
11 redesignating accordingly the references to such sec-  
12 tions.

13 (b) AMENDMENTS.—Subtitle C of title III (as so  
14 transferred and redesignated) is amended—

15 (1) by amending section 3314(b)(2)(A) (as re-  
16 designated by subsection (a)(4)) to read as follows:

17 “(2)(A) is consistent with, and promotes the  
18 goals in, the State and local improvement plans  
19 under sections 1111 and 1112”;

20 (2) by amending section 3325(e) (as redesign-  
21 nated by subsection (a)(5)) to read as follows:

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated such sums as may be  
24 necessary to carry out this subpart for fiscal year 2001  
25 and each of the 4 succeeding years.”;

1           (3) in section 3361(4)(E) (as redesignated by  
2           subsection (a)(8)), by striking “the Act entitled the  
3           ‘Improving America’s Schools Act of 1994’ ” and in-  
4           serting “the Public Education Reinvestment, Re-  
5           invention, and Responsibility Act”;

6           (4) by amending section 3362 (as redesignated  
7           by subsection (a)(8)) to read as follows:

8   **“SEC. 3262. AUTHORIZATION OF APPROPRIATIONS.**

9           “For the purpose of carrying out subparts 1 through  
10          5 of this part, there are authorized to be appropriated to  
11          the Department of Education such sums as may be nec-  
12          essary for fiscal year 2001 and each of the 4 succeeding  
13          years.”;

14          (5) in section 3404 (as redesignated by sub-  
15          section (a)(9))—

16                  (A) in subsection (i), by striking “Improv-  
17                  ing America’s Schools Act of 1994” and insert-  
18                  ing “Public Education Reinvestment, Reinven-  
19                  tion, and Responsibility Act”; and

20                  (B) in subsection (j), by striking  
21                  “\$500,000 for fiscal year 1995, and such sums  
22                  as may be necessary” and inserting “such sums  
23                  as may be necessary for fiscal year 2001, and”;

24          (6) in section 3405(c) (as redesignated by sub-  
25          section (a)(9)), by striking “\$6,000,000 for fiscal

1 year 1995, and such sums as may be necessary” and  
2 inserting “such sums as may be necessary for fiscal  
3 year 2001, and”;

4 (7) in section 3406(e) (as redesignated by sub-  
5 section (a)(9)), by striking “\$2,000,000 for fiscal  
6 year 1995, and such sums as may be necessary” and  
7 inserting “such sums as may be necessary for fiscal  
8 year 2001, and”;

9 (8) in section 3407(e) (as redesignated by sub-  
10 section (a)(9)), by striking “\$1,500,000 for fiscal  
11 year 1995, and such sums as may be necessary” and  
12 inserting “such sums as may be necessary for fiscal  
13 year 2001, and”;

14 (9) in section 3408(c) (as redesignated by sub-  
15 section (a)(9)), by striking “\$2,000,000 for fiscal  
16 year 1995, and such sums as may be necessary” and  
17 inserting “such sums as may be necessary for fiscal  
18 year 2001, and”;

19 (10) in section 3409(d) (as redesignated by  
20 subsection (a)(9)), by striking “\$2,000,000 for fiscal  
21 year 1995, and such sums as may be necessary” and  
22 inserting “such sums as may be necessary for fiscal  
23 year 2001, and”;

24 (11) in section 3410(d) (as redesignated by  
25 subsection (a)(9)), by striking “\$1,000,000 for fiscal

year 1995, and such sums as may be necessary” and inserting “such sums as may be necessary for fiscal year 2001, and”;

(12) in section 3504(c) (as redesignated by subsection (a)(10)), by striking “\$5,000,000 for fiscal year 1995, and such sums as may be necessary” and inserting “such sums as may be necessary for fiscal year 2001, and”;

(13) in section 3505(e) (as redesignated by subsection (a)(10)), by striking “\$2,000,000 for fiscal year 1995, and such sums as may be necessary” and inserting “such sums as may be necessary for fiscal year 2001, and”; and

(14) in section 3506(d) (as redesignated by subsection (a)(10)), by striking “\$1,000,000 for fiscal year 1995, and such sums as may be necessary” and inserting “such sums as may be necessary for fiscal year 2001, and”.

## **TITLE IV—PUBLIC SCHOOL CHOICE**

### **SEC. 401. PUBLIC SCHOOL CHOICE.**

(a) MAGNET SCHOOLS AMENDMENTS.—Section 5113(a) (20 U.S.C. 7213(a)) is amended—

(1) by striking “\$120,000,000” and inserting “\$130,000,000”; and

1           (2) by striking “1995” and inserting “2001”.

2           (b) CHARTER SCHOOLS AMENDMENTS.—

3           (1) PARALLEL ACCOUNTABILITY.—Section  
4           10302 (20 U.S.C. 8062) is amended by adding at  
5           the end the following:

6           “(g) PARALLEL ACCOUNTABILITY.—Each State edu-  
7           cational agency receiving a grant under this part shall  
8           hold charter schools assisted under this part accountable  
9           for adequate yearly progress for improving student per-  
10          formance under title I and as established in the school’s  
11          charter, including the use of the same standards and as-  
12          sessments as established under title I.”.

13          (2) AUTHORIZATION OF APPROPRIATIONS.—

14          Section 10311 (20 U.S.C. 8067) is amended.—

15                  (A) by striking “\$100,000,000” and in-  
16                  serting “\$200,000,000”; and

17                  (B) by striking “1999” and inserting  
18                  “2001”.

19          (c) REPEALS, TRANSFERS AND REDESIGNATIONS.—

20          The Act (20 U.S.C. 6301 et seq.) is amended—

21                  (1) by amending the heading for title IV (20  
22          U.S.C. 7101 et seq.) to read as follows:



1       **“TITLE IV—PUBLIC SCHOOL**  
2                   **CHOICE”;**

3                   (2) by amending section 4001 to read as fol-  
4       lows:

5       **“SEC. 4001. FINDINGS, POLICY, AND PURPOSE.**

6                   “(a) FINDINGS.—Congress makes the following find-  
7       ings:

8                   “(1)(A) Charter schools and magnet schools are  
9       an integral part of the educational system in the  
10      United States.

11                   “(B) Thirty-four States and the District of Co-  
12      lumbia have established charter schools.

13                   “(C) Magnet schools have been established  
14      throughout the United States.

15                   “(D) A Department of Education evaluation of  
16      charter schools shows that 59 percent of charter  
17      schools reported that lack of start-up funds posed a  
18      difficult or very difficult challenge for the school.

19                   “(2) State educational agencies and local edu-  
20      cational agencies should hold all schools accountable  
21      for the improved performance of all students, includ-  
22      ing students attending charter schools and magnet  
23      schools, under State standards and student assess-  
24      ment measures.

1           “(3) School report cards constitute the key in-  
2           formational component used by parents for effective  
3           public school choice.

4           “(b) POLICY.—Congress declares it to be the policy  
5 of the United States—

6           “(1) to support and stimulate improved public  
7           school performance through increased public elemen-  
8           tary school and secondary school competition and in-  
9           creased Federal financial assistance; and

10           “(2) to provide parents with more choices  
11           among public school options.

12           “(c) PURPOSES.—The purposes of this title are as  
13 follows:

14           “(1) To consolidate public school choice pro-  
15           grams into 1 title.

16           “(2) To increase Federal assistance for magnet  
17           schools and charter schools.

18           “(3) To help parents make better and more in-  
19           formed choices by—

20           “(A) providing continued support and fi-  
21           nancial assistance for magnet schools;

22           “(B) providing continued support and ex-  
23           pansion of charter schools and charter school  
24           districts; and

1           “(C) providing financial assistance to  
2           States and local educational agencies for the de-  
3           velopment of local educational agency and  
4           school report cards.”;

5           (3) by repealing sections 4002 through 4004  
6           (20 U.S.C. 7102, 7104), and part A (20 U.S.C.  
7           7111 et seq.), of title IV;

8           (4) by transferring part A of title V (20 U.S.C.  
9           7201 et seq.) (as amended by subsection (a)) to title  
10          IV and inserting such part A after section 4001;

11          (5) by redesignating sections 5101 through  
12          5113 (20 U.S.C. 7201, 7213) (as transferred by  
13          paragraph (4)) as sections 4101 through 4113, re-  
14          spectively, and by redesignating accordingly the ref-  
15          erences to such sections in part A of title IV (as so  
16          transferred);

17          (6) by transferring part C of title X (20 U.S.C.  
18          8061 et seq.) (as amended by subsection (b)) to title  
19          IV and inserting such part C after part A of title  
20          IV (as transferred by paragraph (4));

21          (7) by redesignating part C of title IV (as  
22          transferred by paragraph (6)) as part B of title IV;  
23          and

24          (8) by redesignating sections 10301 through  
25          10311 (20 U.S.C. 8061, 8067) (as transferred by

1 paragraph (6)) as sections 4201 through 4211, re-  
2 spectively, and by redesignating accordingly the ref-  
3 erences to such sections in such part B of title IV  
4 (as so transferred and redesignated).

5 **SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PRO-**  
6 **GRAMS; REPORT CARDS.**

7 Title IV (20 U.S.C. 7101 et seq.) is further amended  
8 by adding at the end the following:

9 **“PART C—DEVELOPMENT OF PUBLIC SCHOOL**  
10 **CHOICE PROGRAMS**

11 **“SEC. 4301. GRANTS AUTHORIZED.**

12 “(a) IN GENERAL.—From amounts made available to  
13 carry out this part for a fiscal year under section 4305,  
14 and not reserved under subsection (b), the Secretary is  
15 authorized to award grants, on a competitive basis, to local  
16 educational agencies to enable the local educational agen-  
17 cies to develop local public school choice programs.

18 “(b) RESERVATION FOR EVALUATION, TECHNICAL  
19 ASSISTANCE, AND DISSEMINATION.—From the amount  
20 appropriated under section 4305 for any fiscal year, the  
21 Secretary may reserve not more than 5 percent to carry  
22 out evaluations under subsection (c), to provide technical  
23 assistance, and to disseminate information.

24 “(c) EVALUATIONS.—The Secretary may use funds  
25 reserved under subsection (b) to carry out 1 or more eval-

1 uations of programs assisted under this part, which shall,  
2 at a minimum, address—

3 “(1) how, and the extent to which, the pro-  
4 grams supported with funds under this part promote  
5 educational equity and excellence; and

6 “(2) the extent to which public schools of choice  
7 supported with funds under this part are—

8 “(A) held accountable to the public;

9 “(B) effective in improving public edu-  
10 cation; and

11 “(C) open and accessible to all students.

12 “(d) DURATION.—Grants under this part may be  
13 awarded for a period not to exceed 3 years.

14 **“SEC. 4302. DEFINITION OF HIGH-POVERTY LOCAL EDU-**  
15 **CATIONAL AGENCY.**

16 “In this part, the term ‘high-poverty local educational  
17 agency’ means a local educational agency in which the per-  
18 centage of children, ages 5 to 17, from families with in-  
19 comes below the poverty line (as defined by the Office of  
20 Management and Budget and revised annually in accord-  
21 ance with section 673(2) of the Community Services Block  
22 Grant Act (42 U.S.C. 9902(2))) applicable to a family of  
23 the size involved for the most recent fiscal year for which  
24 satisfactory data are available is 20 percent or greater.

1 **“SEC. 4303. USES OF FUNDS.**

2 “(a) IN GENERAL.—

3 “(1) PUBLIC SCHOOL CHOICE.—Funds under  
4 this part may be used to demonstrate, develop, im-  
5 plement, evaluate, and disseminate information on  
6 innovative approaches to promote public school  
7 choice, including the design and development of new  
8 public school choice options, the development of new  
9 strategies for overcoming barriers to effective public  
10 school choice, and the design and development of  
11 public school choice systems that promote high  
12 standards for all students and the continuous im-  
13 provement of all public schools.

14 “(2) INNOVATIVE APPROACHES.—Such ap-  
15 proaches at the school, local educational agency, and  
16 State levels may include—

17 “(A) inter-district approaches to public  
18 school choice, including approaches that in-  
19 crease equal access to high-quality educational  
20 programs and diversity in schools;

21 “(B) public elementary and secondary pro-  
22 grams that involve partnerships with institu-  
23 tions of higher education and that are located  
24 on the campuses of those institutions;

25 “(C) programs that allow students in pub-  
26 lic secondary schools to enroll in postsecondary

1 courses and to receive both secondary and post-  
2 secondary academic credit;

3 “(D) worksite satellite schools, in which  
4 State or local educational agencies form part-  
5 nerships with public or private employers, to  
6 create public schools at parents’ places of em-  
7 ployment; and

8 “(E) approaches to school desegregation  
9 that provide students and parents choice  
10 through strategies other than magnet schools.

11 “(b) LIMITATIONS.—Funds under this part—

12 “(1) shall supplement, and not supplant, non-  
13 Federal funds expended for existing public school  
14 choice programs; and

15 “(2) may be used for providing transportation  
16 services or costs, except that not more than 10 per-  
17 cent of the funds received under this part shall be  
18 used by the local educational agency to provide such  
19 services or costs.

20 **“SEC. 4304. GRANT APPLICATION; PRIORITIES.**

21 “(a) APPLICATION REQUIRED.—A State or local edu-  
22 cational agency desiring to receive a grant under this part  
23 shall submit an application to the Secretary.

24 “(b) APPLICATION CONTENTS.—Each application  
25 shall include—

1           “(1) a description of the program for which  
2 funds are sought and the goals for such program;

3           “(2) a description of how the program funded  
4 under this part will be coordinated with, and will  
5 complement and enhance, programs under other re-  
6 lated Federal and non-Federal projects;

7           “(3) if the program includes partners, the name  
8 of each partner and a description of the partner’s  
9 responsibilities;

10           “(4) a description of the policies and procedures  
11 the applicant will use to ensure—

12               “(A) its accountability for results, includ-  
13 ing its goals and performance indicators; and

14               “(B) that the program is open and acces-  
15 sible to, and will promote high academic stand-  
16 ards for, all students; and

17           “(5) such other information as the Secretary  
18 may require.

19           “(c) PRIORITIES.—

20               “(1) HIGH-POVERTY AGENCIES.—The Secretary  
21 shall give a priority to applications for projects that  
22 would serve high-poverty local educational agencies.

23               “(2) PARTNERSHIPS.—The Secretary may give  
24 a priority to applications demonstrating that the ap-  
25 plicant will carry out the applicant’s project in part-



1       nership with 1 or more public and private agencies,  
 2       organizations, and institutions, including institutions  
 3       of higher education and public and private employ-  
 4       ers.

5       **“SEC. 4305. AUTHORIZATION OF APPROPRIATIONS.**

6       “There are authorized to be appropriated to carry out  
 7       this part \$100,000,000 for fiscal year 2001 and such sums  
 8       as may be necessary for each of the 4 succeeding fiscal  
 9       years.

10       **“PART D—REPORT CARDS**

11       **“SEC. 4401. REPORT CARDS.**

12       “(a) GRANTS AUTHORIZED.—The Secretary shall  
 13       award a grant, from allotments under subsection (b), to  
 14       each State having a State report card meeting the require-  
 15       ments described in subsection (g), to enable the State an-  
 16       nually to publish report cards for each elementary school  
 17       and secondary school that receives funding under this Act  
 18       and is served by the State.

19       “(b) RESERVATIONS AND ALLOTMENTS.—

20       “(1) RESERVATIONS.—From the amount appro-  
 21       priated under subsection (e) to carry out this part  
 22       for each fiscal year, the Secretary shall reserve—

23       “(A)  $\frac{1}{2}$  of 1 percent of such amount for  
 24       payments to the Secretary of the Interior for  
 25       activities approved by the Secretary, consistent

1 with this part, in schools operated or supported  
2 by the Bureau of Indian Affairs, on the basis  
3 of their respective needs for assistance under  
4 this part; and

5 “(B)  $\frac{1}{2}$  of 1 percent of such amount for  
6 payments to outlying areas, to be allotted in ac-  
7 cordance with their respective needs for assist-  
8 ance under this part, as determined by the Sec-  
9 retary, for activities, approved by the Secretary,  
10 consistent with this part.

11 “(2) STATE ALLOTMENTS.—From the amount  
12 appropriated under subsection (e) for a fiscal year  
13 and remaining after the Secretary makes reserva-  
14 tions under paragraph (1), the Secretary shall allot  
15 to each State having a State report card meeting the  
16 requirements described in subsection (g) an amount  
17 that bears the same relationship to the remainder as  
18 the number of public school students enrolled in ele-  
19 mentary schools and secondary schools in the State  
20 bears to the number of such students so enrolled in  
21 all States.

22 “(c) WITHIN-STATE ALLOCATIONS.—Each State  
23 educational agency receiving a grant under subsection (a)  
24 shall allocate the grant funds that remain after making  
25 the reservation described in subsection (d) to each local

1 educational agency in the State in an amount that bears  
2 the same relationship to the remainder as the number of  
3 public school students enrolled in elementary schools and  
4 secondary schools served by the local educational agency  
5 bears to the number of such students so enrolled in all  
6 local educational agencies within the State.

7 “(d) STATE RESERVATION OF FUNDS.—Each State  
8 educational agency receiving a grant under subsection (a)  
9 may reserve—

10 “(1) not more than 10 percent of the grant  
11 funds to carry out activities described under sub-  
12 sections (f) and (g), and (i)(1) for fiscal year 2001;  
13 and

14 “(2) not more than 5 percent of the grant  
15 funds to carry out activities described under sub-  
16 sections (f) and (g), and (i)(1) for fiscal year 2002  
17 and each of the 3 succeeding fiscal years.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to carry out this part  
20 \$5,000,000 for fiscal year 2001 and such sums as may  
21 be necessary for each of the 4 succeeding fiscal years.

22 “(f) ANNUAL STATE REPORT.—

23 “(1) REPORTS REQUIRED.—

24 “(A) IN GENERAL.—Except as provided in  
25 paragraph (3), not later than the beginning of

1 the 2001–2002 school year, a State that re-  
2 ceives assistance under this Act shall prepare  
3 and disseminate an annual report on all elemen-  
4 tary schools and secondary schools within the  
5 State that receive funds under part A of title  
6 I or part A of title II.

7 “(B) STATE REPORT CARDS ON EDU-  
8 CATION.—In the case of a State that publishes  
9 State report cards on education, the State shall  
10 include in such report cards the information de-  
11 scribed in subsection (g).

12 “(C) REPORT CARDS ON ALL PUBLIC  
13 SCHOOLS.—In the case of a State that pub-  
14 lishes a report card on all public elementary  
15 schools and secondary schools in the State, the  
16 State shall include, at a minimum, the informa-  
17 tion described in subsection (g) for all schools  
18 that receive funds under part A of title I or  
19 part A of title II.

20 “(2) IMPLEMENTATION; REQUIREMENTS.—

21 “(A) IMPLEMENTATION.—The State shall  
22 ensure implementation at all levels of the report  
23 cards described in paragraph (1).

24 “(B) REQUIREMENTS.—Annual report  
25 cards under this part shall be—

1 “(i) concise; and

2 “(ii) presented in a format and man-  
3 ner that parents can understand including,  
4 to the extent practicable, in a language the  
5 parents can understand.

6 “(3) PUBLICATION THROUGH OTHER MEANS.—

7 In the event that the State provides no such report  
8 card, the State shall, not later than the beginning of  
9 the 2001–2002 school year, publicly report the infor-  
10 mation described in subsection (g) for all schools  
11 that receive funds under part A of title I or part A  
12 of title II through other public means.

13 “(g) CONTENT OF ANNUAL STATE REPORTS.—

14 “(1) REQUIRED INFORMATION.—Each State de-  
15 scribed in subsection (f)(1)(A), at a minimum, shall  
16 include in the annual State report information on  
17 each local educational agency and school that re-  
18 ceives funds under part A of title I or part A of title  
19 II within the State, including information  
20 regarding—

21 “(A) student performance on statewide as-  
22 sessments for the year for which the annual  
23 State report is made, and the preceding year, in  
24 at least English language arts and mathe-  
25 matics, including—

1           “(i) a comparison of the proportions  
2           of students who performed at the basic,  
3           proficient, and advanced levels in each sub-  
4           ject area, for each grade level at which as-  
5           sessments are required under title I, with  
6           proportions in each of the same 3 levels at  
7           the same grade levels in the previous  
8           school year;

9           “(ii) a statement on the 3-year trend  
10          in the percentage of students performing  
11          at the basic, proficient, and advanced levels  
12          in each subject area, for each grade level  
13          for which assessments are required under  
14          title I; and

15          “(iii) a statement of the percentage of  
16          students not tested and a listing of cat-  
17          egories of the reasons why such students  
18          were not tested;

19          “(B) student retention rates in grades, the  
20          number of students completing advanced place-  
21          ment courses, and 4-year graduation rates;

22          “(C) the professional qualifications of  
23          teachers in the aggregate, including the per-  
24          centage of teachers teaching with emergency or  
25          provisional credentials, the percentage of class

1 sections not taught by fully qualified teachers,  
2 and the percentage of teachers who are fully  
3 qualified; and

4 “(D) the professional qualifications of  
5 paraprofessionals in the aggregate, the number  
6 of paraprofessionals in the aggregate, and the  
7 ratio of paraprofessionals to teachers in the  
8 classroom.

9 “(2) STUDENT DATA.—Student data in each re-  
10 port shall contain disaggregated results for the fol-  
11 lowing categories:

12 “(A) Racial and ethnic groups.

13 “(B) Gender.

14 “(C) Economically disadvantaged students,  
15 as compared to students who are not economi-  
16 cally disadvantaged.

17 “(D) Students with limited English pro-  
18 ficiency, as compared to students who are pro-  
19 ficient in English.

20 “(3) OPTIONAL INFORMATION.—A State may  
21 include in the State annual report any other infor-  
22 mation the State determines appropriate to reflect  
23 school quality and school achievement, including by  
24 grade level information on average class size and in-  
25 formation on school safety, such as the incidence of

1 school violence and drug and alcohol abuse, and the  
2 incidence of student suspensions and expulsions.

3 “(4) WAIVER.—The Secretary may grant a  
4 waiver to a State seeking a waiver of the require-  
5 ments of this subsection if the State demonstrates to  
6 the Secretary that—

7 “(A) the content of existing State report  
8 cards meets the goals of this part; and

9 “(B) the State is taking identifiable steps  
10 to meet the requirements of this subsection.

11 “(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL  
12 REPORT CARDS.—

13 “(1) REPORT REQUIRED.—

14 “(A) IN GENERAL.—The State shall ensure  
15 that each local educational agency, elementary  
16 school, or secondary school receiving funds  
17 under part A of title I or part A of title II in  
18 the State, collects appropriate data and pub-  
19 lishes an annual report card consistent with  
20 this subsection.

21 “(B) REQUIRED INFORMATION.—Each  
22 local educational agency, elementary school, and  
23 secondary school described in subparagraph  
24 (A), at a minimum, shall include in its annual  
25 report card—



1 “(i) the information described in sub-  
2 sections (g)(1) and (2) for each local edu-  
3 cational agency and school;

4 “(ii) in the case of a local educational  
5 agency—

6 “(I) information regarding the  
7 number and percentage of schools  
8 identified for school improvement, in-  
9 cluding schools identified under sec-  
10 tion 1116 of this Act, served by the  
11 local educational agency;

12 “(II) information on the 3-year  
13 trend in the number and percentage  
14 of elementary schools and secondary  
15 schools identified for school improve-  
16 ment; and

17 “(III) information that shows  
18 how students in the schools served by  
19 the local educational agency perform  
20 on the statewide assessment compared  
21 to students in the State as a whole;

22 “(iii) in the case of an elementary  
23 school or a secondary school—

1                   “(I)     information     regarding  
2                   whether the school has been identified  
3                   for school improvement; and

4                   “(II) information that shows how  
5                   the school’s students performed on the  
6                   statewide assessment compared to  
7                   students in schools served by the same  
8                   local educational agency and to all  
9                   students in the State; and

10                  “(iv) other appropriate information,  
11                  whether or not the information is included  
12                  in the annual State report.

13                  “(2) SPECIAL RULE.—A local educational agen-  
14                  cy that issues report cards for all public elementary  
15                  schools and secondary schools served by the agency  
16                  shall include, at a minimum, the information de-  
17                  scribed in subsection (g) for all schools that receive  
18                  funds under part A of title I or part A of title II.

19                  “(i) DISSEMINATION AND ACCESSIBILITY OF RE-  
20                  PORTS AND REPORT CARDS.—

21                  “(1) STATE REPORTS.—State annual reports  
22                  under subsection (g) shall be disseminated to all ele-  
23                  mentary schools, secondary schools, and local edu-  
24                  cational agencies in the State, and made broadly  
25                  available to the public through means such as post-

1 ing on the Internet and distribution to the media,  
2 and through public agencies.

3 “(2) LOCAL REPORT CARDS.—Local educational  
4 agency report cards under subsection (h) shall be  
5 disseminated to all elementary schools and secondary  
6 schools served by the local educational agency and to  
7 all parents of students attending such schools, and  
8 made broadly available to the public through means  
9 such as posting on the Internet and distribution to  
10 the media, and through public agencies.

11 “(3) SCHOOL REPORT CARDS.—Elementary  
12 school and secondary school report cards under sub-  
13 section (h) shall be disseminated to all parents of  
14 students attending that school, and made broadly  
15 available to the public, through means such as post-  
16 ing on the Internet and distribution to the media,  
17 and through public agencies.

18 “(j) PARENTS RIGHT-TO-KNOW.—

19 “(1) QUALIFICATIONS.—A local educational  
20 agency that receives funds part A of title I or part  
21 A of title II shall provide, upon request, in an under-  
22 standable and uniform format, to any parent of a  
23 student attending any school receiving funds under  
24 part A of title I or part A of title II, information  
25 regarding the professional qualifications of the stu-

1       dent’s classroom teachers, including, at a  
2       minimum—

3               “(A) whether the teacher has met State  
4               certification or licensing criteria for the grade  
5               levels and subject areas in which the teacher  
6               provides instruction;

7               “(B) whether the teacher is teaching under  
8               emergency or other provisional status through  
9               which State certification or licensing criteria  
10              are waived;

11              “(C) the baccalaureate degree major of the  
12              teacher, any other graduate certification or de-  
13              gree held by the teacher, and the field of dis-  
14              cipline of each such certification or degree; and

15              “(D) whether the student is provided serv-  
16              ices by paraprofessionals, and the qualifications  
17              of any such paraprofessional.

18              “(2) ADDITIONAL INFORMATION.—In addition  
19              to the information that parents may request under  
20              paragraph (1), and the information provided in re-  
21              port cards under this part, a school that receives  
22              funds under part A of title I or part A of title II  
23              shall provide, to the extent practicable, to each indi-  
24              vidual parent or guardian—

1           “(A) information on the level of perform-  
 2           ance of the individual student, for whom they  
 3           are the parent or guardian, in each of the State  
 4           assessments as required under part A of title I;  
 5           and

6           “(B) timely notice that the student, for  
 7           whom they are the parent or guardian, was as-  
 8           signed or taught for 2 or more consecutive  
 9           weeks by a substitute teacher or by a teacher  
 10          not fully qualified.

11          “(k) COORDINATION OF STATE PLAN CONTENT.—A  
 12          State shall include in its plan under part A of title I or  
 13          part A of title II, an assurance that the State has in effect  
 14          a policy that meets the requirements of this section.

15          “(l) PRIVACY.—Information collected under this sec-  
 16          tion shall be collected and disseminated in a manner that  
 17          protects the privacy of individuals.

18          “(m) DEFINITION.—The term ‘State’ means each of  
 19          the several States of the United States, the District of  
 20          Columbia, and the Commonwealth of Puerto Rico.”.

## 21                   **TITLE V—IMPACT AID**

### 22   **SEC. 501. IMPACT AID.**

23          Section 8001 of the Elementary and Secondary Edu-  
 24          cation Act of 1965 (20 U.S.C. 7701) is amended—

25                  (1) in the matter preceding paragraph (1)—

1           (A) by inserting after “educational services  
2           to federally connected children” the following:  
3           “in a manner that promotes control by local  
4           educational agencies with little or no Federal or  
5           State involvement”; and

6           (B) by inserting after “certain activities of  
7           the Federal Government” the following: “, such  
8           as activities to fulfill the responsibilities of the  
9           Federal Government with respect to Indian  
10          tribes and activities under section 514 of the  
11          Soldiers’ and Sailors’ Civil Relief Act of 1940  
12          (50 U.S.C. App. 574),”;

13          (2) in paragraph (4), by adding “or” at the  
14          end;

15          (3) by striking paragraph (5);

16          (4) by redesignating paragraph (6) as para-  
17          graph (5); and

18          (5) in paragraph (5) (as redesignated), by in-  
19          serting before the period at the end the following:  
20          “and because of the difficulty of raising local rev-  
21          enue through bond referendums for capital projects  
22          due to the inability to tax Federal property”.

1 **SEC. 502. PAYMENTS RELATING TO FEDERAL ACQUISITION**  
2 **OF REAL PROPERTY.**

3 (a) FISCAL YEAR REQUIREMENT.—Section 8002(a)  
4 of the Elementary and Secondary Education Act of 1965  
5 (20 U.S.C. 7702(a)) is amended in the matter preceding  
6 paragraph (1) by striking “1999” and inserting “2005”.

7 (b) AMOUNT.—

8 (1) INSUFFICIENT FUNDS.—Section  
9 8002(b)(1)(B) of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 7702(b)(1)(B)) is  
11 amended by striking “shall ratably reduce the pay-  
12 ment to each eligible local educational agency” and  
13 inserting “shall calculate the payment for each eligi-  
14 ble local educational agency in accordance with sub-  
15 section (h)”.

16 (2) MAXIMUM AMOUNT.—Section 8002(b)(1)(C)  
17 of the Elementary and Secondary Education Act of  
18 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by add-  
19 ing at the end before the period the following: “, or  
20 the maximum amount that such agency is eligible to  
21 receive for such fiscal year under this section, which-  
22 ever is greater”.

23 (c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN  
24 WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—  
25 Section 8002(h) of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7702(h)) is amended to  
2 read as follows:

3 “(h) PAYMENTS WITH RESPECT TO FISCAL YEARS  
4 IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

5 For any fiscal year for which the amount appropriated  
6 under section 8014(a) is insufficient to pay to each local  
7 educational agency the full amount determined under sub-  
8 section (b), the Secretary shall make payments to each  
9 local educational agency under this section as follows:

10 “(1) FOUNDATION PAYMENTS FOR PRE-1995 RE-  
11 CIPIENTS.—

12 “(A) IN GENERAL.—The Secretary shall  
13 first make a foundation payment to each local  
14 educational agency that is eligible to receive a  
15 payment under this section for the fiscal year  
16 involved and was eligible to receive a payment  
17 under section 2 of the Act of September 30,  
18 1950 (Public Law 874, 81st Congress) (as such  
19 section was in effect on the day preceding the  
20 date of the enactment of the Improving Amer-  
21 ica’s Schools Act of 1994) for any of the fiscal  
22 years 1989 through 1994.

23 “(B) AMOUNT.—The amount of a payment  
24 under subparagraph (A) for a local educational  
25 agency shall be equal to 37 percent of the pay-



1           ment amount the local educational agency was  
2           eligible to receive under section 2 of the Act of  
3           September 30, 1950, for fiscal year 1994 (or if  
4           the local educational agency was not eligible to  
5           receive a payment under such section 2 for fis-  
6           cal year 1994, the payment that local edu-  
7           cational agency was eligible to receive under  
8           such section 2 for the most recent fiscal year  
9           preceding 1994).

10           “(C) INSUFFICIENT APPROPRIATIONS.—If  
11           the amount appropriated under section 8014(a)  
12           is insufficient to pay the full amount deter-  
13           mined under this paragraph for all eligible local  
14           educational agencies for the fiscal year, then  
15           the Secretary shall ratably reduce the payment  
16           to each local educational agency under this  
17           paragraph.

18           “(2) PAYMENTS FOR 1995 RECIPIENTS.—

19           “(A) IN GENERAL.—From any amounts  
20           remaining after making payments under para-  
21           graph (1) for the fiscal year involved, the Sec-  
22           retary shall make a payment to each eligible  
23           local educational agency that received a pay-  
24           ment under this section for fiscal year 1995.

1           “(B) AMOUNT.—The amount of a payment  
2           under subparagraph (A) for a local educational  
3           agency shall be determined as follows:

4                   “(i) Calculate the difference between  
5                   the amount appropriated to carry out this  
6                   section for fiscal year 1995 and the total  
7                   amount of foundation payments made  
8                   under paragraph (1) for the fiscal year.

9                   “(ii) Determine the percentage share  
10                  for each local educational agency that re-  
11                  ceived a payment under this section for fis-  
12                  cal year 1995 by dividing the assessed  
13                  value of the Federal property of the local  
14                  educational agency for fiscal year 1995 de-  
15                  termined in accordance with subsection  
16                  (b)(3), by the total national assessed value  
17                  of the Federal property of all such local  
18                  educational agencies for fiscal year 1995,  
19                  as so determined.

20                  “(iii) Multiply the percentage share  
21                  described in clause (ii) for the local edu-  
22                  cational agency by the amount determined  
23                  under clause (i).

24           “(3) SUBSECTION (i) RECIPIENTS.—From any  
25           funds remaining after making payments under para-

1       graphs (1) and (2) for the fiscal year involved, the  
2       Secretary shall make payments in accordance with  
3       subsection (i).

4               “(4) REMAINING FUNDS.—From any funds re-  
5       maining after making payments under paragraphs  
6       (1), (2), and (3) for the fiscal year involved—

7               “(A) the Secretary shall make a payment  
8       to each local educational agency that received a  
9       foundation payment under paragraph (1) for  
10      the fiscal year involved in an amount that bears  
11      the same relation to 25 percent of the remain-  
12      der as the amount the local educational agency  
13      received under paragraph (1) for the fiscal year  
14      involved bears to the amount all local edu-  
15      cational agencies received under paragraph (1)  
16      for the fiscal year involved; and

17              “(B) the Secretary shall make a payment  
18      to each local educational agency that is eligible  
19      to receive a payment under this section for the  
20      fiscal year involved in an amount that bears the  
21      same relation to 75 percent of the remainder as  
22      a percentage share determined for the local  
23      educational agency (in the same manner as per-  
24      centage shares are determined for local edu-  
25      cational agencies under paragraph (2)(B)(ii))

bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.”.

(d) SPECIAL PAYMENTS.—

(1) IN GENERAL.—Section 8002(i)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1)) is amended to read as follows:

“(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of

1 the maximum amount determined under subsection  
2 (b) for any local educational agency described in  
3 paragraph (2).’.

4 (2) CONFORMING AMENDMENT.—The heading  
5 of section 8002(i) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 7702(i)) is  
7 amended by striking “PRIORITY” and inserting  
8 “SPECIAL”.

9 (e) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL  
10 EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROP-  
11 erty ACQUISITION.—Section 8002(j)(2) of the Elemen-  
12 tary and Secondary Education Act of 1965 (20 U.S.C.  
13 7702(j)(2)) is amended—

14 (1) by striking “(A) A local educational agen-  
15 cy” and inserting “A local educational agency”;

16 (2) by redesignating clauses (i) through (v) as  
17 subparagraphs (A) through (E), respectively; and

18 (3) in subparagraph (C) (as redesignated), by  
19 adding at the end before the semicolon the following:  
20 “and such agency does not currently have a military  
21 installation located within its geographic bound-  
22 aries”.

23 (f) DATA; PRELIMINARY AND FINAL PAYMENTS.—  
24 Section 8002 of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 7702) is amended by adding at  
2 the end the following:

3 “(l) DATA; PRELIMINARY AND FINAL PAYMENTS.—

4 “(1) IN GENERAL.—The Secretary shall—

5 “(A) not later than 30 days following the  
6 application deadline under section 8005(c) for a  
7 fiscal year, require any local educational agency  
8 that applied for a payment under subsection (b)  
9 for the fiscal year to submit such data as may  
10 be necessary in order to compute the payment;

11 “(B) as soon as possible after the begin-  
12 ning of any fiscal year, but no later than 60  
13 days after the enactment of an Act making ap-  
14 propriations to carry out this title for the fiscal  
15 year, provide a preliminary payment under sub-  
16 section (b) for any local educational agency that  
17 applied for a payment under subsection (b) for  
18 the fiscal year and was eligible for such a pay-  
19 ment for the preceding fiscal year, in the  
20 amount of 60 percent of the payment for the  
21 previous year; and

22 “(C) provide a final payment under sub-  
23 section (b) for any eligible local educational  
24 agency not later than 12 months after the ap-  
25 plication deadline established under section

1           8005(c), except that any local educational agen-  
2           cy failing to submit all of the data required  
3           under subparagraph (A) shall be denied such  
4           payment for the fiscal year for which the appli-  
5           cation is made unless funds from a source other  
6           than the Act described in subparagraph (B) are  
7           made available to provide such payment.

8           “(2) ELIGIBILITY FOR PAYMENTS IN SUBSE-  
9           QUENT YEARS.—The denial of a payment under sub-  
10          section (b) to a local educational agency for a fiscal  
11          year pursuant to this subsection shall not affect the  
12          eligibility of the local educational agency for a final  
13          payment under subsection (b) for a subsequent fiscal  
14          year.”.

15 **SEC. 503. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
16 **NECTED CHILDREN.**

17          (a) MILITARY INSTALLATION HOUSING UNDERGOING  
18 RENOVATION OR REBUILDING.—

19               (1) IN GENERAL.—Section 8003(a)(4) of the  
20          Elementary and Secondary Education Act of 1965  
21          (20 U.S.C. 7703(a)) is amended—

22                       (A) in the heading, by striking “UNDER-  
23                       GOING RENOVATION” and inserting “UNDER-  
24                       GOING RENOVATION OR REBUILDING”;

1 (B) by striking “For purposes” and insert-  
2 ing the following:

3 “(A) IN GENERAL.—For purposes”;

4 (C) in subparagraph (A) (as designated by  
5 subparagraph (B)), by inserting “or rebuilding”  
6 after “undergoing renovation”; and

7 (D) by adding at the end the following:

8 “(B) LIMITATIONS.—(i)(I) Except as pro-  
9 vided in subclause (II), children described in  
10 paragraph (1)(D)(i) may be deemed to be chil-  
11 dren described in paragraph (1)(B) with respect  
12 to housing on Federal property undergoing ren-  
13 ovation or rebuilding in accordance with sub-  
14 paragraph (A) for a period not to exceed 2 fis-  
15 cal years.

16 “(II) If the Secretary determines, on the  
17 basis of a certification provided to the Secretary  
18 by a designated representative of the Secretary  
19 of Defense, that the expected completion date of  
20 the renovation or rebuilding of the housing has  
21 been delayed by not less than 1 year, then—

22 “(aa) in the case of a determination  
23 made by the Secretary in the first fiscal  
24 year described in subclause (I), the time  
25 period described such subclause shall be



1 extended by the Secretary for an additional  
2 2 years; and

3 “(bb) in the case of a determination  
4 made by the Secretary in the second fiscal  
5 year described in subclause (I), the time  
6 period described such subclause shall be  
7 extended by the Secretary for an additional  
8 1 year.

9 “(ii) The number of children described in  
10 paragraph (1)(D)(i) who are deemed to be chil-  
11 dren described in paragraph (1)(B) with respect  
12 to housing on Federal property undergoing ren-  
13 ovation or rebuilding in accordance with sub-  
14 paragraph (A) for any fiscal year may not ex-  
15 ceed the maximum number of children who are  
16 expected to occupy that housing upon comple-  
17 tion of the renovation or rebuilding.”.

18 (2) EFFECTIVE DATE.—The amendments made  
19 by paragraph (1) shall apply with respect to pay-  
20 ments to a local educational agency for fiscal years  
21 beginning before, on, or after the date of the enact-  
22 ment of this Act.

23 (b) MILITARY “BUILD TO LEASE” PROGRAM HOUS-  
24 ING.—Section 8003(a) of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7703(a)) is amended  
2 by adding at the end the following:

3 “(5) MILITARY ‘BUILD TO LEASE’ PROGRAM  
4 HOUSING.—

5 “(A) IN GENERAL.—For purposes of com-  
6 puting the amount of payment for a local edu-  
7 cational agency for children identified under  
8 paragraph (1), the Secretary shall consider chil-  
9 dren residing in housing initially acquired or  
10 constructed under the former section 2828(g) of  
11 title 10, United States Code (commonly known  
12 as the ‘Build to Lease’ program), as added by  
13 section 801 of the Military Construction Au-  
14 thorization Act, 1984, to be children described  
15 under paragraph (1)(B) if the property de-  
16 scribed is within the fenced security perimeter  
17 of the military facility upon which such housing  
18 is situated.

19 “(B) ADDITIONAL REQUIREMENTS.—If the  
20 property described in subparagraph (A) is not  
21 owned by the Federal Government, is subject to  
22 taxation by a State or political subdivision of a  
23 State, and thereby generates revenues for a  
24 local educational agency that is applying to re-

ceive a payment under this section, then the  
Secretary—

“(i) shall require the local educational  
agency to provide certification from an ap-  
propriate official of the Department of De-  
fense that the property is being used to  
provide military housing; and

“(ii) shall reduce the amount of the  
payment under this section by an amount  
equal to the amount of revenue from such  
taxation received in the second preceding  
fiscal year by such local educational agen-  
cy, unless the amount of such revenue was  
taken into account by the State for such  
second preceding fiscal year and already  
resulted in a reduction in the amount of  
State aid paid to such local educational  
agency.”.

**SEC. 504. MAXIMUM AMOUNT OF BASIC SUPPORT PAY-  
MENTS.**

Section 8003(b)(1) of the Elementary and Secondary  
Education Act of 1965 (20 U.S.C. 7703(b)(1)) is amended  
by adding at the end the following:

“(D) INCREASE IN LOCAL CONTRIBUTION  
RATE DUE TO UNUSUAL GEOGRAPHIC FAC-

1           TORS.—If the current expenditures in those  
2           local educational agencies which the Secretary  
3           has determined to be generally comparable to  
4           the local educational agency for which a com-  
5           putation is made under subparagraph (C) are  
6           not reasonably comparable because of unusual  
7           geographical factors which affect the current  
8           expenditures necessary to maintain, in such  
9           agency, a level of education equivalent to that  
10          maintained in such other agencies, then the  
11          Secretary shall increase the local contribution  
12          rate for such agency under subparagraph  
13          (C)(iii) by such an amount which the Secretary  
14          determines will compensate such agency for the  
15          increase in current expenditures necessitated by  
16          such unusual geographical factors. The amount  
17          of any such supplementary payment may not  
18          exceed the per-pupil share (computed with re-  
19          gard to all children in average daily attend-  
20          ance), as determined by the Secretary, of the  
21          increased current expenditures necessitated by  
22          such unusual geographic factors.”.

1 **SEC. 505. BASIC SUPPORT PAYMENTS FOR HEAVILY IM-**  
2 **PACTED LOCAL EDUCATIONAL AGENCIES.**

3 (a) IN GENERAL.—Section 8003(b) of the Elemen-  
4 tary and Secondary Education Act of 1965 (20 U.S.C.  
5 7703(b)) is amended—

6 (1) by redesignating paragraphs (2) and (3) as  
7 paragraphs (3) and (4), respectively; and

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) BASIC SUPPORT PAYMENTS FOR HEAVILY  
11 IMPACTED LOCAL EDUCATIONAL AGENCIES.—

12 “(A) IN GENERAL.—(i) From the amount  
13 appropriated under section 8014(b) for a fiscal  
14 year, the Secretary is authorized to make basic  
15 support payments to eligible heavily impacted  
16 local educational agencies with children de-  
17 scribed in subsection (a).

18 “(ii) A local educational agency that re-  
19 ceives a basic support payment under this para-  
20 graph for a fiscal year shall not be eligible to  
21 receive a basic support payment under para-  
22 graph (1) for that fiscal year.

23 “(B) ELIGIBILITY FOR CONTINUING HEAV-  
24 ILY IMPACTED LOCAL EDUCATIONAL AGEN-  
25 CIES.—

1           “(i) FISCAL YEAR 2001.—A heavily  
2           impacted local educational agency is eligi-  
3           ble to receive a basic support payment  
4           under subparagraph (A) for fiscal year  
5           2001 with respect to a number of children  
6           determined under subsection (a)(1) only if  
7           the agency received an additional assist-  
8           ance payment under subsection (f) (as  
9           such subsection was in effect on the day  
10          before the date of the enactment of the  
11          Impact Aid Reauthorization Act of 2000)  
12          for fiscal year 2000.

13          “(ii) FISCAL YEAR 2002 AND SUBSE-  
14          QUENT FISCAL YEARS.—A heavily im-  
15          pacted local educational agency described  
16          in clause (i) is eligible to receive a basic  
17          support payment under subparagraph (A)  
18          for fiscal year 2002 and any subsequent  
19          fiscal year with respect to a number of  
20          children determined under subsection  
21          (a)(1) only if the agency—

22               “(I) received a basic support pay-  
23               ment under subparagraph (A) for fis-  
24               cal year 2001; and

1           “(II)(aa) is a local educational  
2 agency whose boundaries are the same  
3 as a Federal military installation;

4           “(bb) has an enrollment of feder-  
5 ally connected children described in  
6 subsection (a)(1) which constitutes a  
7 percentage of the total student enroll-  
8 ment of such agency which is not less  
9 than 35 percent, has a per-pupil ex-  
10 penditure that is less than the average  
11 per-pupil expenditure of the State in  
12 which the agency is located or the av-  
13 erage per-pupil expenditure of all  
14 States (whichever average per-pupil  
15 expenditure is greater), except that a  
16 local educational agency with a total  
17 student enrollment of less than 350  
18 students shall be deemed to have sat-  
19 isfied such per-pupil expenditure re-  
20 quirement, and has a tax rate for gen-  
21 eral fund purposes which is at least  
22 95 percent of the average tax rate for  
23 general fund purposes of comparable  
24 local educational agencies in the  
25 State; or

1 “(cc) has a total student enroll-  
2 ment of not less than 25,000 stu-  
3 dents, of which not less than 50 per-  
4 cent are federally connected children  
5 described in subsection (a)(1) and not  
6 less than 6,000 of such federally con-  
7 nected children are children described  
8 in subparagraphs (A) and (B) of sub-  
9 section (a)(1).

10 “(iii) RESUMPTION OF ELIGIBILITY.—  
11 A heavily impacted local educational agen-  
12 cy described in clause (i) or (ii) that be-  
13 comes ineligible under either such clause  
14 for one or more fiscal years may resume  
15 eligibility for a basic support payment  
16 under this paragraph for a subsequent fis-  
17 cal year only if the agency meets the re-  
18 quirements of item (aa), (bb), or (cc) of  
19 clause (ii)(II) for that subsequent fiscal  
20 year.

21 “(C) ELIGIBILITY FOR NEW HEAVILY IM-  
22 PACTED LOCAL EDUCATIONAL AGENCIES.—

23 “(i) IN GENERAL.—A heavily im-  
24 pacted local educational agency that did  
25 not receive an additional assistance pay-



1           ment under subsection (f) (as such sub-  
2           section was in effect on the day before the  
3           date of the enactment of the Impact Aid  
4           Reauthorization Act of 2000) for fiscal  
5           year 2000 is eligible to receive a basic sup-  
6           port payment under subparagraph (A) for  
7           fiscal year 2002 and any subsequent fiscal  
8           year with respect to a number of children  
9           determined under subsection (a)(1) only if  
10          the agency—

11                   “(I) has an enrollment of feder-  
12                   ally connected children described in  
13                   subsection (a)(1) which constitutes a  
14                   percentage of the total student enroll-  
15                   ment of such agency which (aa) is not  
16                   less than 50 percent if such agency  
17                   receives a payment on behalf of chil-  
18                   dren described in subparagraphs (F)  
19                   and (G) of such subsection or (bb) is  
20                   not less than 40 percent if such agen-  
21                   cy does not receive a payment on be-  
22                   half of such children;

23                   “(II)(aa) is a local educational  
24                   agency whose boundaries are the same  
25                   as a Federal military installation; or

1 “(bb) is a local educational agen-  
2 cy that has a tax rate for general  
3 fund purposes which is at least 95  
4 percent of the average tax rate for  
5 general fund purposes of comparable  
6 local educational agencies in the  
7 State; and

8 “(III)(aa) for a local educational  
9 agency that has a total student enroll-  
10 ment of 350 or more students, the  
11 agency has a per-pupil expenditure  
12 that is less than the average per-pupil  
13 expenditure of the State in which the  
14 agency is located; or

15 “(bb) for a local educational  
16 agency that has a total student enroll-  
17 ment of less than 350 students, the  
18 agency has a per-pupil expenditure  
19 that is less than the average per-pupil  
20 expenditure of a comparable agency in  
21 the State in which the agency is lo-  
22 cated.

23 “(ii) RESUMPTION OF ELIGIBILITY.—  
24 A heavily impacted local educational agen-  
25 cy described in clause (i) that becomes in-

1 eligible under such clause for one or more  
2 fiscal years may resume eligibility for a  
3 basic support payment under this para-  
4 graph for a subsequent fiscal year only if  
5 the agency meets the requirements of sub-  
6 clauses (I), (II), and (III) of clause (i) for  
7 that subsequent fiscal year.

8 “(iii) APPLICATION.—With respect to  
9 the first fiscal year for which a heavily im-  
10 pacted local educational agency described  
11 in clause (i) applies for a basic support  
12 payment under subparagraph (A), or with  
13 respect to the first fiscal year for which a  
14 heavily impacted local educational agency  
15 applies for a basic support payment under  
16 subparagraph (A) after becoming ineligible  
17 under clause (i) for one or more preceding  
18 fiscal years, the agency shall apply for  
19 such payment at least 1 year prior to the  
20 start of that first fiscal year.

21 “(D) MAXIMUM AMOUNT FOR REGULAR  
22 HEAVILY IMPACTED LOCAL EDUCATIONAL  
23 AGENCIES.—(i) Except as provided in subpara-  
24 graph (E), the maximum amount that a heavily  
25 impacted local educational agency is eligible to

1 receive under this paragraph for any fiscal year  
2 is the sum of the total weighted student units,  
3 as computed under subsection (a)(2) (subject to  
4 clause (ii)), multiplied by the greater of—

5 “(I) four-fifths of the average per-  
6 pupil expenditure of the State in which the  
7 local educational agency is located for the  
8 third fiscal year preceding the fiscal year  
9 for which the determination is made; or

10 “(II) four-fifths of the average per-  
11 pupil expenditure of all of the States for  
12 the third fiscal year preceding the fiscal  
13 year for which the determination is made.

14 “(ii)(I) For a local educational agency with  
15 respect to which 35 percent or more of the total  
16 student enrollment of the schools of the agency  
17 are children described in subparagraph (D) or  
18 (E) (or a combination thereof) of subsection  
19 (a)(1), the Secretary shall calculate the weight-  
20 ed student units of such children for purposes  
21 of subsection (a)(2) by multiplying the number  
22 of such children by a factor of 0.55.

23 “(II) For a local educational agency that  
24 has an enrollment of 100 or fewer federally con-  
25 nected children described in subsection (a)(1),

1 the Secretary shall calculate the total number  
2 of weighted student units for purposes of sub-  
3 section (a)(2) by multiplying the number of  
4 such children by a factor of 1.75.

5 “(III) For a local educational agency that  
6 has an enrollment of more than 100 but not  
7 more than 750 children described in subsection  
8 (a)(1), the Secretary shall calculate the total  
9 number of weighted student units for purposes  
10 of subsection (a)(2) by multiplying the number  
11 of such children by a factor of 1.25.

12 “(E) MAXIMUM AMOUNT FOR LARGE  
13 HEAVILY IMPACTED LOCAL EDUCATIONAL  
14 AGENCIES.—(i)(I) Subject to clause (ii), the  
15 maximum amount that a heavily impacted local  
16 educational agency described in subclause (II)  
17 is eligible to receive under this paragraph for  
18 any fiscal year shall be determined in accord-  
19 ance with the formula described in paragraph  
20 (1)(C).

21 “(II) A heavily impacted local educational  
22 agency described in this subclause is a local  
23 educational agency that has a total student en-  
24 rollment of not less than 25,000 students, of  
25 which not less than 50 percent are federally

connected children described in subsection (a)(1) and not less than 6,000 of such federally connected children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

“(F) DATA.—For purposes of providing assistance under this paragraph, the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.”.

(b) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.— Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)), as redesignated, is amended—

(1) in subparagraph (A), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

1 (2) in subparagraph (B)—

2 (A) in the heading, by inserting after  
3 “PAYMENTS” the following: “IN LIEU OF PAY-  
4 MENTS UNDER PARAGRAPH (1)”;

5 (B) in the matter preceding subclause (I)  
6 of clause (i), by inserting after “‘threshold pay-  
7 ment’)” the following: “in lieu of basic support  
8 payments under paragraph (1)”;

9 (C) in clause (ii), by striking “paragraph  
10 (1)” and inserting “clause (i)”; and

11 (D) by adding at the end the following:

12 “(iv) In the case of a local educational  
13 agency that has a total student enrollment of  
14 fewer than 1,000 students and that has a per-  
15 pupil expenditure that is less than the average  
16 per-pupil expenditure of the State in which the  
17 agency is located, the total percentage used to  
18 calculate threshold payments under clause (i)  
19 shall not be less than 40 percent.”;

20 (3) by redesignating subparagraph (C) as sub-  
21 paragraph (D);

22 (4) by inserting after subparagraph (B) the fol-  
23 lowing:

24 “(C) LEARNING OPPORTUNITY THRESH-  
25 OLD PAYMENTS IN LIEU OF PAYMENTS UNDER

1           PARAGRAPH (2).—For fiscal years described in  
2           subparagraph (A), the learning opportunity  
3           threshold payment in lieu of basic support pay-  
4           ments under paragraph (2) shall be equal to the  
5           amount obtained under subparagraph (D) or  
6           (E) of paragraph (2), as the case may be.”; and  
7           (5) in subparagraph (D) (as redesignated), by  
8           striking “computation made under subparagraph  
9           (B)” and inserting “computations made under sub-  
10          paragraphs (B) and (C)”.

11          (c) CONFORMING AMENDMENTS.—(1) Section  
12 8002(b)(1)(C) of the Elementary and Secondary Edu-  
13 cation Act of 1965 (20 U.S.C. 7702(b)(1)(C)) is amended  
14 by striking “section 8003(b)(1)(C)” and inserting “para-  
15 graph (1)(C) of section 8003(b) or subparagraph (D) or  
16 (E) of paragraph (2) of such section, as the case may be”.

17          (2) Section 8003 of the Elementary and Secondary  
18 Education Act of 1965 (20 U.S.C. 7703) is amended—

19           (A) in subsection (a)(1), by striking “subsection  
20           (b), (d), or (f)” and inserting “subsection (b) or  
21           (d)”;

22           (B) in subsection (b)—

23                   (i) in paragraph (1)(C), in the matter pre-  
24                   ceding clause (i), by striking “this subsection”  
25                   and inserting “this paragraph”; and



1 (ii) in paragraph (4) (as redesignated)—

2 (I) in subparagraph (A), by striking  
3 “paragraphs (1)(B), (1)(C), and (2) of this  
4 subsection” and inserting “subparagraphs  
5 (B) and (C) of paragraph (1) or subpara-  
6 graphs (B) through (D) of paragraph (2),  
7 as the case may be, paragraph (3) of this  
8 subsection”; and

9 (II) in subparagraph (B)—

10 (aa) by inserting after “para-  
11 graph (1)(C)” the following: “or sub-  
12 paragraph (D) or (E) of paragraph  
13 (2), as the case may be,”; and

14 (bb) by striking “paragraph  
15 (2)(B)” and inserting “subparagraph  
16 (B) or (C) of paragraph (3)”;

17 (C) in subsection (c)(1), by striking “paragraph  
18 (2) and subsection (f)” and inserting “subsection  
19 (b)(2) and paragraph (2)”;

20 (D) by striking subsection (f); and

21 (E) in subsection (i), by striking “sections 8002  
22 and 8003(b)” and inserting “section 8002 and sub-  
23 section (b) of this section”.

1 **SEC. 506. BASIC SUPPORT PAYMENTS FOR LOCAL EDU-**  
2 **CATIONAL AGENCIES AFFECTED BY RE-**  
3 **MOVAL OF FEDERAL PROPERTY.**

4 Section 8003(b) of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7703(b)), as amended  
6 by this Act, is further amended by adding at the end the  
7 following:

8 “(5) LOCAL EDUCATIONAL AGENCIES AF-  
9 FECTED BY REMOVAL OF FEDERAL PROPERTY.—

10 “(A) IN GENERAL.—In computing the  
11 amount of a basic support payment under this  
12 subsection for a fiscal year for a local edu-  
13 cational agency described in subparagraph (B),  
14 the Secretary shall meet the additional require-  
15 ments described in subparagraph (C).

16 “(B) LOCAL EDUCATIONAL AGENCY DE-  
17 SCRIBED.—A local educational agency described  
18 in this subparagraph is a local educational  
19 agency with respect to which Federal property  
20 (i) located within the boundaries of the agency,  
21 and (ii) on which one or more children reside  
22 who are receiving a free public education at a  
23 school of the agency, is transferred by the Fed-  
24 eral Government to another entity in any fiscal  
25 year beginning on or after the date of the en-  
26 actment of the Impact Aid Reauthorization Act

1 of 2000 so that the property is subject to tax-  
2 ation by the State or a political subdivision of  
3 the State.

4 “(C) ADDITIONAL REQUIREMENTS.—The  
5 additional requirements described in this sub-  
6 paragraph are the following:

7 “(i) For each fiscal year beginning  
8 after the date on which the Federal prop-  
9 erty is transferred, a child described in  
10 subparagraph (B) who continues to reside  
11 on such property and who continues to re-  
12 ceive a free public education at a school of  
13 the agency shall be deemed to be a child  
14 who resides on Federal property for pur-  
15 poses of computing under the applicable  
16 subparagraph of subsection (a)(1) the  
17 amount that the agency is eligible to re-  
18 ceive under this subsection.

19 “(ii)(I) For the third fiscal year be-  
20 ginning after the date on which the Fed-  
21 eral property is transferred, and for each  
22 fiscal year thereafter, the Secretary shall,  
23 after computing the amount that the agen-  
24 cy is otherwise eligible to receive under this  
25 subsection for the fiscal year involved, de-

duct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

“(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

“(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

“(bb) shall submit to the Secretary a report containing the amount certified under item (aa).”.

**SEC. 507. ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.**

(a) REPEAL.—Subsection (g) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(g)) is repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 8003 of the Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 7703) is amended by redesignating subsections  
2 (h) and (i) as subsections (f) and (g), respectively.

3 (2) Section 426 of the General Education Provisions  
4 Act (20 U.S.C. 1228) is amended by striking “subsections  
5 (d) and (g) of section 8003 of such Act” and inserting  
6 “section 8003(d) of such Act”.

7 **SEC. 508. APPLICATION FOR PAYMENTS UNDER SECTIONS**  
8 **8002 AND 8003.**

9 Section 8005(d) of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 7705(d)) is amended—

11 (1) in paragraph (2), by inserting after “not  
12 more than 60 days after a deadline established  
13 under subsection (c)” the following: “, or not more  
14 than 60 days after the date on which the Secretary  
15 sends written notice to the local educational agency  
16 pursuant to paragraph (3)(A), as the case may be,”;  
17 and

18 (2) in paragraph (3) to read as follows:

19 “(3) LATE APPLICATIONS.—

20 “(A) NOTICE.—The Secretary shall, as  
21 soon as practicable after the deadline estab-  
22 lished under subsection (c), provide to each  
23 local educational agency that applied for a pay-  
24 ment under section 8002 or 8003 for the prior  
25 fiscal year, and with respect to which the Sec-

retary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

“(B) ACCEPTANCE AND APPROVAL OF LATE APPLICATIONS.—The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).”.

**SEC. 509. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.**

Section 8006 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7706) is repealed.

**SEC. 510. CONSTRUCTION.**

(a) IN GENERAL.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

**“SEC. 8007. CONSTRUCTION.**

**“(a) CONSTRUCTION PAYMENTS AUTHORIZED.—**

1           “(1) IN GENERAL.—From 70 percent of the  
2           amount appropriated for each fiscal year under sec-  
3           tion 8014(e), the Secretary shall make payments in  
4           accordance with this subsection to each local edu-  
5           cational agency that receives a basic support pay-  
6           ment under section 8003(b) for that fiscal year.

7           “(2) ADDITIONAL REQUIREMENTS.—A local  
8           educational agency that receives a basic support pay-  
9           ment under section 8003(b)(1) shall also meet at  
10          least one of the following requirements:

11               “(A) The number of children determined  
12               under section 8003(a)(1)(C) for the agency for  
13               the preceding school year constituted at least  
14               50 percent of the total student enrollment in  
15               the schools of the agency during the preceding  
16               school year.

17               “(B) The number of children determined  
18               under subparagraphs (B) and (D)(i) of section  
19               8003(a)(1) for the agency for the preceding  
20               school year constituted at least 50 percent of  
21               the total student enrollment in the schools of  
22               the agency during the preceding school year.

23           “(3) AMOUNT OF PAYMENTS.—

24               “(A) LOCAL EDUCATIONAL AGENCIES IM-  
25               PACTED BY MILITARY DEPENDENT CHIL-

DREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

“(i)(II) 35 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

“(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 8003(a)(1) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)), including the number of weighted student units of such children attending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

“(ii) the total number of such weighted student units for the agency.

“(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this sub-



1 section that is impacted by children who reside  
2 on Indian lands for a fiscal year shall be equal  
3 to—

4 “(i)(I) 35 percent of the amount ap-  
5 propriated under section 8014(e) for such  
6 fiscal year; divided by

7 “(II) the total number of weighted  
8 student units of children described in sec-  
9 tion 8003(a)(1)(C) for all local educational  
10 agencies described in this subsection (as  
11 calculated under section 8003(a)(2)); mul-  
12 tiplied by

13 “(ii) the total number of such weight-  
14 ed student units for the agency.

15 “(4) USE OF FUNDS.—Any local educational  
16 agency that receives funds under this subsection  
17 shall use such funds for construction, as defined in  
18 section 8013(3).

19 “(b) SCHOOL FACILITY MODERNIZATION GRANTS  
20 AUTHORIZED.—

21 “(1) IN GENERAL.—From 30 percent of the  
22 amount appropriated for each fiscal year under sec-  
23 tion 8014(e), the Secretary shall award grants in ac-  
24 cordance with this subsection to eligible local edu-  
25 cational agencies to enable the local educational

1 agencies to carry out modernization of school facili-  
2 ties.

3 “(2) ELIGIBILITY REQUIREMENTS.—A local  
4 educational agency is eligible to receive funds under  
5 this subsection only if—

6 “(A) such agency (or in the case of a local  
7 educational agency that does not have the au-  
8 thority to tax or issue bonds, such agency’s fis-  
9 cal agent) has no capacity to issue bonds or is  
10 at such agency’s limit in bonded indebtedness  
11 for the purposes of generating funds for capital  
12 expenditures; and

13 “(B)(i) such agency received assistance  
14 under section 8002(a) for the fiscal year and  
15 has an assessed value of taxable property per  
16 student in the school district that is less than  
17 the average of the assessed value of taxable  
18 property per student in the State in which the  
19 local educational agency is located; or

20 “(ii) such agency received assistance under  
21 subsection (a) for the fiscal year and has a  
22 school facility emergency, as determined by the  
23 Secretary, that poses a health or safety hazard  
24 to the students and school personnel assigned  
25 to the school facility.

1           “(3) AWARD CRITERIA.—In awarding grants  
2           under this subsection the Secretary shall consider  
3           one or more of the following factors:

4                   “(A) The extent to which the local edu-  
5                   cational agency lacks the fiscal capacity to un-  
6                   dertake the modernization project without Fed-  
7                   eral assistance.

8                   “(B) The extent to which property in the  
9                   local educational agency is nontaxable due to  
10                  the presence of the Federal Government.

11                  “(C) The extent to which the local edu-  
12                  cational agency serves high numbers or percent-  
13                  ages of children described in subparagraphs  
14                  (A), (B), (C), and (D) of section 8003(a)(1).

15                  “(D) The need for modernization to  
16                  meet—

17                          “(i) the threat that the condition of  
18                          the school facility poses to the safety and  
19                          well-being of students;

20                          “(ii) overcrowding conditions as evi-  
21                          denced by the use of trailers and portable  
22                          buildings and the potential for future over-  
23                          crowding because of increased enrollment;  
24                          and

1                   “(iii) facility needs resulting from ac-  
2                   tions of the Federal Government.

3                   “(E) The age of the school facility to be  
4                   modernized.

5                   “(4) OTHER AWARD PROVISIONS.—

6                   “(A) FEDERAL SHARE.—The Federal  
7                   funds provided under this subsection to a local  
8                   educational agency described in subparagraph  
9                   (C) shall not exceed 50 percent of the total cost  
10                  of the project to be assisted under this sub-  
11                  section. A local educational agency may use in-  
12                  kind contributions to meet the matching re-  
13                  quirement of the preceding sentence.

14                  “(B) MAXIMUM GRANT.—A local edu-  
15                  cational agency described in subparagraph (C)  
16                  may not receive a grant under this subsection  
17                  in an amount that exceeds \$3,000,000 during  
18                  any 5-year period.

19                  “(C) LOCAL EDUCATIONAL AGENCY DE-  
20                  SCRIBED.—A local educational agency described  
21                  in this subparagraph is a local educational  
22                  agency that has the authority to issue bonds  
23                  but is at such agency’s limit in bonded indebt-  
24                  edness for the purposes of generating funds for  
25                  capital expenditures.

1           “(5) APPLICATIONS.—A local educational agen-  
2           cy that desires to receive a grant under this sub-  
3           section shall submit an application to the Secretary  
4           at such time, in such manner, and accompanied by  
5           such information as the Secretary may require. Each  
6           application shall contain—

7                   “(A) documentation certifying such agen-  
8                   cy’s lack of bonding capacity;

9                   “(B) a listing of the school facilities to be  
10                  modernized, including the number and percent-  
11                  age of children determined under section  
12                  8003(a)(1) in average daily attendance in each  
13                  school facility;

14                  “(C) a description of the ownership of the  
15                  property on which the current school facility is  
16                  located or on which the planned school facility  
17                  will be located;

18                  “(D) a description of any school facility  
19                  deficiency that poses a health or safety hazard  
20                  to the occupants of the school facility and a de-  
21                  scription of how that deficiency will be repaired;

22                  “(E) a description of the modernization to  
23                  be supported with funds provided under this  
24                  subsection;

1           “(F) a cost estimate of the proposed mod-  
2           ernization; and

3           “(G) such other information and assur-  
4           ances as the Secretary may reasonably require.

5           “(6) EMERGENCY GRANTS.—

6           “(A) APPLICATIONS.—Each local edu-  
7           cational agency described in paragraph  
8           (2)(B)(ii) that desires a grant under this sub-  
9           section shall include in the application sub-  
10          mitted under paragraph (5) a signed statement  
11          from an appropriate local official certifying that  
12          a health or safety deficiency exists.

13          “(B) PRIORITY.—If the Secretary receives  
14          more than one application from local edu-  
15          cational agencies described in paragraph  
16          (2)(B)(ii) for grants under this subsection for  
17          any fiscal year, the Secretary shall give priority  
18          to local educational agencies based on the sever-  
19          ity of the emergency, as determined by the Sec-  
20          retary, and when the application was received.

21          “(C) CONSIDERATION FOR FOLLOWING  
22          YEAR.—A local educational agency described in  
23          paragraph (2)(B)(ii) that applies for a grant  
24          under this subsection for any fiscal year and  
25          does not receive the grant shall have the appli-

1 cation for the grant considered for the following  
2 fiscal year, subject to the priority described in  
3 subparagraph (B).”.

4 (b) DEFINITION.—Section 8013 of the Elementary  
5 and Secondary Education Act of 1965 (20 U.S.C. 7713)  
6 is amended by adding at the end the following:

7 “(13) MODERNIZATION.—The term ‘moderniza-  
8 tion’ means repair, renovation, alteration, or con-  
9 struction, including—

10 “(A) the concurrent installation of equip-  
11 ment; and

12 “(B) the complete or partial replacement  
13 of an existing school facility, but only if such  
14 replacement is less expensive and more cost-ef-  
15 fective than repair, renovation, or alteration of  
16 the school facility.”.

17 **SEC. 511. FEDERAL ADMINISTRATION.**

18 Section 8010(c) of the Elementary and Secondary  
19 Education Act of 1965 (20 U.S.C. 7710(c)) is amended—

20 (1) by striking paragraph (1);

21 (2) by redesignating paragraphs (2) and (3) as  
22 paragraphs (1) and (2), respectively; and

23 (3) in paragraph (2)(D) (as redesignated), by  
24 striking “section 5(d)(2) of the Act of September  
25 30, 1950 (Public Law 874, 81st Congress) (as such

1 section was in effect on the day preceding the date  
2 of enactment of the Improving America's Schools  
3 Act of 1994) or”.

4 **SEC. 512. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**  
5 **VIEW.**

6 (a) ADMINISTRATIVE HEARINGS.—

7 (1) IN GENERAL.—Section 8011(a) of the Ele-  
8 mentary and Secondary Education Act of 1965 (20  
9 U.S.C. 7711) is amended by adding at the end be-  
10 fore the period the following: “if the local edu-  
11 cational agency or State, as the case may be, sub-  
12 mits to the Secretary a request for the hearing not  
13 later than 60 days after the date of the action of the  
14 Secretary under this title”.

15 (2) EFFECTIVE DATE.—The amendment made  
16 by paragraph (1) shall apply with respect to an ac-  
17 tion of the Secretary under title VIII of the Elemen-  
18 tary and Secondary Education Act of 1965 (20  
19 U.S.C. 7701 et seq.) initiated on or after the date  
20 of the enactment of this Act.

21 (b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—  
22 Section 8011(b)(1) of the Elementary and Secondary  
23 Education Act of 1965 (20 U.S.C. 7711(b)(1)) is amended  
24 by striking “60 days” and inserting “30 working days (as  
25 determined by the local educational agency or State)”.



1 **SEC. 513. DEFINITIONS.**

2 Section 8013(5)(A)(iii) of the Elementary and Sec-  
3 ondary Education Act of 1965 (20 U.S.C. 7713(5)(A)(iii))  
4 is amended—

5 (1) in subclause (I), by striking “or” at the  
6 end; and

7 (2) by adding at the end the following:

8 “(III) affordable housing assisted  
9 under the Native American Housing As-  
10 sistance and Self-Determination Act of  
11 1996; or”.

12 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL  
14 PROPERTY.—Section 8014(a) of the Elementary and Sec-  
15 ondary Education Act of 1965 (20 U.S.C. 7714(a)) is  
16 amended by striking “\$16,750,000 for fiscal year 1995”  
17 and inserting “\$32,000,000 for fiscal year 2000”.

18 (b) BASIC PAYMENTS.—Section 8014(b) of the Ele-  
19 mentary and Secondary Education Act of 1965 (20 U.S.C.  
20 7714(b)) is amended—

21 (1) by striking “subsections (b) and (f) of sec-  
22 tion 8003” and inserting “section 8003(b)”;

23 (2) by striking “\$775,000,000 for fiscal year  
24 1995” and inserting “\$809,400,000 for fiscal year  
25 2000”; and

1           (3) by striking “, of which 6 percent” and all  
2           that follows and inserting a period.

3           (c) PAYMENTS FOR CHILDREN WITH DISABIL-  
4 ITIES.—Section 8014(c) of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7714(c)) is amended  
6 by striking “\$45,000,000 for fiscal year 1995” and insert-  
7 ing “\$50,000,000 for fiscal year 2000”.

8           (d) PAYMENTS FOR INCREASES IN MILITARY CHIL-  
9 DREN.—Subsection (d) of section 8014 of the Elementary  
10 and Secondary Education Act of 1965 (20 U.S.C. 7714)  
11 is repealed.

12          (e) CONSTRUCTION.—Section 8014(e) of the Elemen-  
13 tary and Secondary Education Act of 1965 (20 U.S.C.  
14 7714(e)) is amended by striking “\$25,000,000 for fiscal  
15 year 1995” and inserting “\$10,052,000 for fiscal year  
16 2000”.

17          (f) FACILITIES MAINTENANCE.—Section 8014(f) of  
18 the Elementary and Secondary Education Act of 1965 (20  
19 U.S.C. 7714(f)) is amended by striking “\$2,000,000 for  
20 fiscal year 1995” and inserting “\$5,000,000 for fiscal  
21 year 2000”.

22          (g) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL  
23 EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROP-  
24 erty ACQUISITION.—Section 8014(g) of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.  
2 7714(g)) is amended—

3 (1) in the heading, by striking “FEDERAL  
4 PROPERTY LOCAL EDUCATIONAL AGENCIES” and  
5 inserting “LOCAL EDUCATIONAL AGENCIES IM-  
6 PACTED BY FEDERAL PROPERTY ACQUISITION”;  
7 and

8 (2) by striking “such sums as are necessary be-  
9 ginning in fiscal year 1998 and for each succeeding  
10 fiscal year” and inserting “\$1,500,000 for fiscal  
11 year 2000 and such sums as may be necessary for  
12 each of the four succeeding fiscal years”.

13 **SEC. 515. EFFECTIVE DATE.**

14 This title, and the amendments made by this title,  
15 shall take effect on October 1, 2000, or the date of the  
16 enactment of this Act, whichever occurs later.

17 **TITLE VI—HIGH PERFORMANCE**  
18 **AND QUALITY EDUCATION**  
19 **INITIATIVES**

20 **SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION**  
21 **INITIATIVES.**

22 Title VI (20 U.S.C. 7301 et seq.) is amended to read  
23 as follows:

1 **“TITLE VI—HIGH PERFORMANCE**  
2 **AND QUALITY EDUCATION**  
3 **INITIATIVES**

4 **“SEC. 6001. FINDINGS, POLICY, AND PURPOSE.**

5 “(a) FINDINGS.—Congress makes the following find-  
6 ings:

7 “(1)(A) Congress embraces the view that edu-  
8 cators most familiar with schools, including school  
9 superintendents, principals, teachers, and school  
10 support personnel, have a critical role in knowing  
11 what is needed and how best to meet the educational  
12 needs of students.

13 “(B) Local educational agencies should there-  
14 fore have primary responsibility for deciding how to  
15 implement funds.

16 “(2)(A) Since the Elementary and Secondary  
17 Education Act was first authorized in 1965, the  
18 Federal Government has created numerous grant  
19 programs, each of which was created to address 1  
20 among the myriad challenges and problems facing  
21 education.

22 “(B) Only a few of the Federal grant programs  
23 established before the date of enactment of the Pub-  
24 lic Education Reinvestment, Reinvention, and Re-

1        sponsibility Act can be tied to significant quan-  
2        titative results.

3            “(C) Because Federal education dollars are dis-  
4        tributed through a patchwork of programs, with  
5        each program having its own set of requirements  
6        and restrictions, local educational agencies and  
7        schools have found it difficult to leverage funds for  
8        maximum impact.

9            “(D) In many cases, Federal education dollars  
10       distributed through competitive grant programs are  
11       too diffused to provide a true impact at the school  
12       level.

13           “(E) As a result of the Federal elementary and  
14       secondary education policies in place before the date  
15       of enactment of the Public Education Reinvestment,  
16       Reinvention, and Responsibility Act, the focus of  
17       Federal, State, and local educational agencies has  
18       been diverted from comprehensive student achieve-  
19       ment to administrative compliance.

20           “(3)(A) Every elementary school and secondary  
21       school should provide a drug- and violence-free  
22       learning environment.

23           “(B) The widespread illegal use of alcohol and  
24       drugs among the Nation’s secondary school stu-  
25       dents, and increasingly among elementary school

1 students, constitutes a grave threat to students’  
2 physical and mental well-being, and significantly im-  
3 pedes the learning process.

4 “(C) Drug and violence prevention programs  
5 are essential components of a comprehensive strat-  
6 egy to promote school safety, youth development,  
7 and positive school outcomes, and reduce the de-  
8 mand for and illegal use of alcohol, tobacco, and  
9 drugs throughout the Nation.

10 “(D) Schools, local organizations, parents, stu-  
11 dents, and communities throughout the Nation have  
12 a special responsibility to work together to combat  
13 the continuing epidemic of violence and illegal drug  
14 use, and should measure the success of programs es-  
15 tablished to address this epidemic against clearly de-  
16 fined goals and objectives.

17 “(E) Drug and violence prevention programs  
18 are most effective when implemented within a re-  
19 search-based, drug and violence prevention frame-  
20 work of proven effectiveness.

21 “(F) Substance abuse and violence are intri-  
22 cately related, and must be dealt with in a holistic  
23 manner.

24 “(4)(A) Technology can produce far greater op-  
25 portunities for all students to meet high learning

1 standards, promote efficiency and effectiveness in  
2 education, and help immediately and dramatically  
3 reform our Nation's educational system.

4 “(B) Because most Federal and State edu-  
5 cational technology programs have focused on ac-  
6 quiring educational technologies, rather than empha-  
7 sizing the utilization of those technologies in the  
8 classroom and the training and infrastructure re-  
9 quired efficiently to support the technologies, the full  
10 potential of educational technology has rarely been  
11 realized.

12 “(C) The effective use of technology in edu-  
13 cation has been inhibited by the inability of many  
14 State educational agencies and local educational  
15 agencies to invest in and support needed tech-  
16 nologies, and to obtain sufficient resources to seek  
17 expert technical assistance in developing high-quality  
18 professional development activities for teachers and  
19 keeping pace with the rapid technological advances.

20 “(D) To remain competitive in the global econ-  
21 omy, which is increasingly reliant on a workforce  
22 that is comfortable with technology and able to inte-  
23 grate rapid technological changes into production  
24 processes, it is imperative that our Nation maintain  
25 a work-ready labor force.

1       “(b) POLICY.—Congress declares it to be the policy  
2 of the United States—

3           “(1) to facilitate significant innovation in ele-  
4       mentary school and secondary school education pro-  
5       grams;

6           “(2) to enrich the learning environment of stu-  
7       dents;

8           “(3) to provide a safe learning environment for  
9       all students;

10          “(3) to ensure that all students are techno-  
11       logically literate; and

12          “(4) to assist State educational agencies and  
13       local educational agencies in building the agencies’  
14       capacity to establish, implement, and sustain innova-  
15       tive programs for public elementary and secondary  
16       school students.

17       “(c) PURPOSES.—The purposes of this title are as  
18 follows:

19           “(1) To provide supplementary assistance for  
20       school improvement to elementary schools, secondary  
21       schools, and local educational agencies—

22           “(A) that have been or are at risk of being  
23       identified as being in need of improvement, as  
24       defined in section 1116 (c) and (d), to carry out  
25       activities (as described in such schools’ or agen-



1           cies' improvement plans developed under such  
2           section) that are designed to remedy the cir-  
3           cumstances that caused such schools or agen-  
4           cies to be identified as in need of improvement;  
5           or

6           “(B) to improve core content curriculum  
7           and instructional practices and materials in  
8           core subject areas to ensure that all students  
9           are at the proficient standard level within 10  
10          years of the date of enactment of the Public  
11          Education Reinvestment, Reinvention, and Re-  
12          sponsibility Act.

13          “(2) To provide assistance to local educational  
14          agencies and schools for innovative programs and  
15          activities that will transform schools into 21st cen-  
16          tury opportunities for students by—

17               “(A) creating a challenging learning envi-  
18               ronment and facilitating academic enrichment  
19               through innovative academic programs; or

20               “(B) providing extra learning, time, and  
21               opportunities for students.

22          “(3) To provide assistance to local educational  
23          agencies, schools, and communities to strengthen ex-  
24          isting programs or develop and implement new pro-

1       grams based on proven researched-based strategies  
2       that create safe learning environments by—

3               “(A) preventing violence and other high-  
4               risk behavior from occurring in and around  
5               schools; and

6               “(B) preventing the illegal use of alcohol,  
7               tobacco, and drugs among students.

8               “(4) To create New Economy Technology  
9       Schools (NETs) by providing assistance to local edu-  
10      cational agencies and schools for—

11              “(A) the acquisition, development, inter-  
12              connection, implementation, improvement, and  
13              maintenance of an effective educational tech-  
14              nology infrastructure;

15              “(B) the acquisition and maintenance of  
16              technology equipment and the provision of  
17              training in the use of such equipment for teach-  
18              ers, school library and media personnel, and ad-  
19              ministrators;

20              “(C) the acquisition or development of  
21              technology-enhanced curricula and instructional  
22              materials that are aligned with challenging  
23              State content and student performance stand-  
24              ards; and

1           “(D) the acquisition or development and  
2           implementation of high-quality professional de-  
3           velopment for teachers in the use of technology  
4           and its integration with challenging State con-  
5           tent and student performance standards.

6   **“SEC. 6002. DEFINITIONS OF STATE.**

7           “In this title:

8           “(1) AUTHENTIC TASK.—The term ‘authentic  
9           task’ means a real world task that—

10           “(A) is challenging, meaningful, multidisci-  
11           plinary, and interactive;

12           “(B) involves reasoning, problem solving,  
13           and composition; and

14           “(C) is not a discrete component skill that  
15           has no obvious connection with students’ activi-  
16           ties outside of school.

17           “(2) STATE.—The term ‘State’ means each of  
18           the several States, the District of Columbia, and the  
19           Commonwealth of Puerto Rico.

20   **“SEC. 6003. PROGRAMS AUTHORIZED.**

21           “(a) GRANTS AUTHORIZED.—From the amount ap-  
22           propriated under section 6009 for a fiscal year, the Sec-  
23           retary shall award a grant to each State educational agen-  
24           cy having a State plan approved under section 6005(a)(4)

1 to enable the State educational agency to award grants  
2 to local educational agencies in the State.

3 “(b) RESERVATIONS AND ALLOTMENTS.—

4 “(1) RESERVATIONS.—From the amount appro-  
5 priated under section 6009 for a fiscal year, the Sec-  
6 retary shall reserve—

7 “(A) not more than  $\frac{1}{2}$  of 1 percent of  
8 such amount for payments to the Bureau of In-  
9 dian Affairs for activities, approved by the Sec-  
10 retary, consistent with this title;

11 “(B) not more than  $\frac{1}{2}$  of 1 percent of  
12 such amounts for payments to outlying areas,  
13 to be allotted in accordance with their respec-  
14 tive needs for assistance under this title as de-  
15 termined by the Secretary, for activities, ap-  
16 proved by the Secretary, consistent with this  
17 title; and

18 “(C) such sums as may be necessary to  
19 continue to support any multiyear award made  
20 under titles III, IV, V (part B), or X (as such  
21 titles were in effect on the day preceding the  
22 date of enactment of the Public Education Re-  
23 investment, Reinvention, and Responsibility  
24 Act) until the completion of the multiyear  
25 award.

1 “(2) STATE ALLOTMENTS.—

2 “(A) IN GENERAL.—From the amount ap-  
3 propriated under section 6009 for a fiscal year  
4 and remaining after the Secretary makes res-  
5 ervations under paragraph (1), the Secretary  
6 shall allot to each State having a State plan ap-  
7 proved under section 6005(a)(4) the sum of—

8 “(i) an amount that bears the same  
9 relationship to 50 percent of the remainder  
10 as the amount the State received under  
11 part A of title I bears to the amount all  
12 States received under such part; and

13 “(ii) an amount that bears the same  
14 relationship to 50 percent of the remainder  
15 as the school-age population in the State  
16 bears to the school-age population in all  
17 States.

18 “(B) DATA.—For the purposes of deter-  
19 mining the school-age population in a State and  
20 in all States, the Secretary shall use the latest  
21 available Bureau of the Census data.

22 “(c) STATE MINIMUM.—For any fiscal year, no State  
23 shall be allotted under this section an amount that is less  
24 than 0.4 percent of the total amount allotted to all States  
25 under subsection (b)(2).

1       “(d) **HOLD-HARMLESS AMOUNTS.**—For fiscal year  
 2 2001, notwithstanding subsection (e), the amount allotted  
 3 to each State under this section shall be not less than 100  
 4 percent of the total amount the State was allotted in for-  
 5 mula grants under titles III, IV, and VI (as such titles  
 6 were in effect on the day preceding the date of enactment  
 7 of the Public Education Reinvestment, Reinvention, and  
 8 Responsibility Act) for the preceding fiscal year.

9       “(e) **RATABLE REDUCTIONS.**—If the sums made  
 10 available under subsection (b)(2)(A) for any fiscal year are  
 11 insufficient to pay the full amounts that all State edu-  
 12 cational agencies are eligible to receive under that sub-  
 13 section for such year, the Secretary shall ratably reduce  
 14 such amounts for such year.

15 **“SEC. 6004. WITHIN STATE ALLOCATION.**

16       “(a) **SHORT TITLE.**—Each State educational agency  
 17 for a State receiving a grant award under section  
 18 6003(b)(2) shall—

19               “(1) set aside not more than 1 percent of the  
 20 grant funds for the cost of administering the activi-  
 21 ties under this title;

22               “(2) set aside not more than 4 percent of the  
 23 grant funds to—

24                       “(A) provide for the establishment of high-  
 25 quality, internationally competitive content and

1 student performance standards and strategies  
2 that all students will be expected to meet;

3 “(B) provide for the establishment of high-  
4 quality, rigorous assessments that include mul-  
5 tiple measures and demonstrate comprehensive  
6 knowledge;

7 “(C) encourage and enable all State edu-  
8 cational agencies and local educational agencies  
9 to develop, implement, and strengthen com-  
10 prehensive education improvement plans that  
11 address student achievement, teacher quality,  
12 parent involvement, and reliable measurement  
13 and evaluation methods; and

14 “(D) encourage and enable all States to  
15 develop and implement value-added assess-  
16 ments, including model value-added assessments  
17 identified by the Secretary under section  
18 7004(a)(6); and

19 “(3) using the remaining 95 percent of the  
20 grant funds, make grants by allocating to each local  
21 educational agency in the State having a local edu-  
22 cational agency plan approved under section  
23 6005(b)(3) the sum of—

24 “(A) an amount that bears the same rela-  
25 tionship to 50 percent of such remainder as the

1 amount the local educational agency received  
2 under part A of title I bears to the amount all  
3 local educational agencies in the State received  
4 under such part; and

5 “(B) an amount that bears the same rela-  
6 tionship to 50 percent of such remainder as the  
7 school-age population in the area served by the  
8 local educational agency bears to the school-age  
9 population in the area served by all local edu-  
10 cational agencies in the State.

11 “(b) MATCHING REQUIREMENT.—

12 “(1) IN GENERAL.—Each eligible local edu-  
13 cational agency receiving a grant under subsection  
14 (a) shall contribute resources with respect to the  
15 local authorized activities to be assisted under this  
16 title in case or in-kind from non-Federal sources in  
17 an amount equal to 25 percent of the Federal funds  
18 awarded under the grant.

19 “(2) WAIVER.—A local educational agency may  
20 apply to the State educational agency may grant a  
21 waiver of the requirements of paragraph (1) to a  
22 local educational agency that—

23 “(A) applies for such a waiver; and

24 “(B) demonstrates extreme circumstances  
25 for being unable to meet such requirements.



1   **“SEC. 6005. PLANS.**

2       “(a) STATE PLANS.—

3           “(1) IN GENERAL.—The State educational  
4       agency for each State desiring a grant under this  
5       title shall submit a State plan to the Secretary at  
6       such time, in such manner, and accompanied by  
7       such information as the Secretary may require.

8           “(2) CONSOLIDATED PLAN.—A State plan sub-  
9       mitted under paragraph (1) may be submitted as  
10      part of a consolidated plan under section 8302.

11          “(3) CONTENTS.—Each plan submitted under  
12      paragraph (1) shall—

13           “(A) describe how the State educational  
14      agency will assist each local educational agency  
15      and school served under this title to comply  
16      with the requirements described in section 6006  
17      that are applicable to the local educational  
18      agency or school;

19           “(B) certify that the State has in place the  
20      standards and assessments required under sec-  
21      tion 1111;

22           “(C) certify that the State educational  
23      agency has a system, as required under section  
24      1111, for—

25           “(i) holding each local educational  
26      agency and school accountable for ade-

1           quate yearly progress (as defined in section  
2           1111(b)(2)(B));

3           “(ii) identifying local educational  
4           agencies and schools that are in need of  
5           improvement and corrective action (as re-  
6           quired in sections 1116 and 1117);

7           “(iii) assisting local educational agen-  
8           cies and schools that are identified for im-  
9           provement with the development of im-  
10          provement plans; and

11          “(iv) providing technical assistance,  
12          professional development, and other capac-  
13          ity building as needed to get such agencies  
14          and schools out of improvement status;

15          “(D) certify that the State educational  
16          agency shall use the disaggregated results of  
17          student assessments required under section  
18          1111(b)(4), and other measures or indicators  
19          available, to review annually the progress of  
20          each local educational agency and school served  
21          under this title to determine whether or not  
22          each such agency and school is making ade-  
23          quate yearly progress as required under section  
24          1111;

1           “(E) certify that the State educational  
2           agency will take action against a local edu-  
3           cational agency that is in corrective action and  
4           receiving funds under this title as described in  
5           section 6006(d)(1);

6           “(F) describe what, if any, State and other  
7           resources will be provided to local educational  
8           agencies and schools served under this title to  
9           carry out activities consisted with this title; and

10          “(G) certify that the State educational  
11          agency has a system to hold local educational  
12          agencies accountable for meeting the annual  
13          performance objectives required under sub-  
14          section (b)(2)(C).

15          “(4) APPROVAL.—The Secretary, using a peer  
16          review process, shall approve a State plan if the  
17          State plan meets the requirements of this sub-  
18          section.

19          “(5) DURATION OF THE PLAN.—Each State  
20          plan shall remain in effect for the duration of the  
21          State’s participation under this title.

22          “(6) REQUIREMENT.—A State shall not be eli-  
23          gible to receive funds under this title unless the  
24          State has established the standards and assessments  
25          required under section 1111.

1 “(b) LOCAL PLANS.—

2 “(1) IN GENERAL.—Each local educational  
3 agency shall annually submit a local educational  
4 agency plan to the State educational agency at such  
5 time, in such manner, and accompanied by such in-  
6 formation as the State educational agency may re-  
7 quire.

8 “(2) CONTENTS.—Each local educational agen-  
9 cy shall—

10 “(A) describe the programs for which  
11 funds allocated under section 6004(3) will be  
12 used and the reasons for the selection of such  
13 programs;

14 “(B) describe the methods the local edu-  
15 cational agency will use to measure the annual  
16 impact of programs described under subpara-  
17 graph (A) and the extent to which such pro-  
18 grams will increase student academic perform-  
19 ance;

20 “(C) describe the annual, quantifiable, and  
21 measurable performance goals and objectives  
22 for each program described under subparagraph  
23 (A) and the extent to which such goals and ob-  
24 jectives are aligned with State content and stu-  
25 dent performance standards;

1           “(D) describe how the local educational  
2           agency will hold schools accountable for meeting  
3           the intended performance objectives for each  
4           program described under subparagraph (C);

5           “(E) provide an assurance that the local  
6           educational agency has met the local plan re-  
7           quirements described in section 1112 for—

8                   “(i) holding schools accountable for  
9                   adequate yearly progress, including meet-  
10                  ing annual numerical goals for improving  
11                  the performance of all groups of students  
12                  based on the student performance stand-  
13                  ards set by the State under section  
14                  1111(b)(1)(D)(ii);

15                  “(ii) identifying schools for school im-  
16                  provement or corrective action;

17                  “(iii) fulfilling the local educational  
18                  agency’s school improvement responsibil-  
19                  ities described in section 1116, including  
20                  taking corrective actions under section  
21                  1116(c)(10); and

22                  “(iv) providing technical assistance,  
23                  professional development, or other capacity  
24                  building to schools served by the agency;

1           “(F) certify that the local educational  
2           agency will take action against a school that is  
3           in corrective action and receiving funds under  
4           this title as described under section 6006(d)(2);

5           “(G) describe what State and local re-  
6           sources will be contributed to carrying out pro-  
7           grams described under subparagraph (A);

8           “(H) provide assurances that the local edu-  
9           cational agency consulted, at a minimum, with  
10          parents, school board members, teachers, ad-  
11          ministrators, business partners, education orga-  
12          nizations, and community groups to develop the  
13          local educational plan and select the programs  
14          to be assisted under this title; and

15          “(J) provide assurances that the local edu-  
16          cational agency will continue such consultation  
17          on a regular basis and will provide the State  
18          with annual evidence of such consultation.

19          “(3) APPROVAL.—The State, using a peer re-  
20          view process, shall approve a local educational agen-  
21          cy plan if the plan meets the requirements of this  
22          subsection.

23          “(4) DURATION OF THE PLAN.—Each local  
24          educational agency plan shall remain in effect for

1 the duration of the local educational agency's par-  
2 ticipation under this title.

3 “(5) PUBLIC REVIEW.—Each State educational  
4 agency will make publicly available each local edu-  
5 cational agency plan approved under paragraph (3).

6 **“SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.**

7 “(a) ADMINISTRATIVE EXPENSES.—Each local edu-  
8 cational agency receiving a grant award under section  
9 6004(3) may use not more than 1 percent of the grant  
10 funds for any fiscal year for the cost of administering this  
11 title.

12 “(b) REQUIRED ACTIVITIES.—Each local educational  
13 agency receiving a grant award under section 6004(3)  
14 shall use the grant funds pursuant to this subsection to  
15 establish and carry out programs that are designed to  
16 achieve, separately or cumulatively, each of the goals de-  
17 scribed in the category areas described in paragraphs (1)  
18 through (4).

19 “(1) SCHOOL IMPROVEMENT.—Each local edu-  
20 cational agency shall use 30 percent of the grant  
21 funds—

22 “(A) in the case of a school that has been  
23 identified as being in need of improvement  
24 under section 1116(c), for activities or strate-  
25 gies that are described in section 1116(c) that

1 focus on removing such school from improve-  
2 ment status; or

3 “(B) for programs that seek to raise the  
4 academic achievement levels of all elementary  
5 school and secondary school students based on  
6 challenging State content and student perform-  
7 ance standards and, to the greatest extent pos-  
8 sible,—

9 “(i) incorporate the best practices de-  
10 veloped from research-based methods and  
11 practices;

12 “(ii) are aligned with challenging  
13 State content and performance standards  
14 and focused on reinforcing and boosting  
15 the core academic skills and knowledge of  
16 students who are struggling academically,  
17 as determined by State assessments under  
18 section 1111(b)(4) and local evaluations;

19 “(iii) focus on accelerated learning  
20 rather than remediation, so that students  
21 will master the high level of skills and  
22 knowledge needed to meet the highest  
23 State standards or to perform at high lev-  
24 els on all State assessments;



1                   “(iv) offer teachers, principals, and  
2                   administrators professional development  
3                   and technical assistance that are aligned  
4                   with the content of such programs; and

5                   “(v) address local needs, as deter-  
6                   mined by the local educational agency’s  
7                   evaluation of school and districtwide data.

8                   “(2) 21ST CENTURY OPPORTUNITIES.—Each  
9                   local educational agency shall use 25 percent of the  
10                  grant funds for—

11                  “(A) programs that provide for extra  
12                  learning, time, and opportunities for students  
13                  so that all students may achieve high levels of  
14                  learning and meet the State proficient standard  
15                  level within 10 years of the date of enactment  
16                  of the Public Education Reinvestment, Reinven-  
17                  tion, and Responsibility Act;

18                  “(B) programs to improve higher order  
19                  thinking skills of all students, especially dis-  
20                  advantaged students;

21                  “(C) promising innovative education re-  
22                  form projects that are consistent with chal-  
23                  lenging State content and student performance  
24                  standards; or

1           “(D) programs that focus on ensuring that  
2           disadvantaged students enter elementary school  
3           with the basic skills needed to meet the highest  
4           State content and student performance stand-  
5           ards.

6           “(3) SAFE LEARNING ENVIRONMENTS.—Each  
7           local educational agency shall use 15 percent of the  
8           grant funds for programs that help ensure that all  
9           elementary school and secondary school students  
10          learn in a safe and supportive environment by—

11           “(A) reducing drugs, violence, and other  
12           high-risk behavior in schools;

13           “(B) providing safe, extended-day opportu-  
14           nities for students;

15           “(C) providing professional development  
16           activities for teachers, principals, mental health  
17           professionals, and guidance counselors in deal-  
18           ing with students exhibiting distress (such as  
19           substance abuse, disruptive behavior, and suici-  
20           dal behavior);

21           “(D) recruiting or retaining high-quality  
22           mental health professionals;

23           “(E) providing character education for stu-  
24           dents; or

1           “(F) meeting other objectives that are es-  
2           tablished under State standards regarding safe-  
3           ty or that address local community concerns.

4           “(4) NEW ECONOMY TECHNOLOGY SCHOOLS.—

5           “(A) IN GENERAL.—Each local educational  
6           agency shall use 30 percent of the grant funds  
7           to establish technology programs that will  
8           transform schools into New Economy Tech-  
9           nology Schools (NETs) and, to the greatest ex-  
10          tent possible, will—

11                   “(i) increase student performance re-  
12                   lated to an authentic task;

13                   “(ii) integrate the use of technology  
14                   into activities that are a core part of class-  
15                   room curricula and are available to all stu-  
16                   dents;

17                   “(iii) emphasize how to use technology  
18                   to accomplish authentic tasks;

19                   “(iv) provide professional development  
20                   and technical assistance to teachers so that  
21                   teachers may integrate technology into  
22                   daily teaching activities that are directly  
23                   aligned with State content and student  
24                   performance standards; and

1           “(v) enable the local educational agen-  
2           cy annually to increase the percentage of  
3           classrooms with access to technology, par-  
4           ticularly in schools in which not less than  
5           50 percent of the school-age population  
6           comes from families with incomes below  
7           the poverty line (as defined by the Office  
8           of Management and Budget, and revised  
9           annually in accordance with section 673(2)  
10          of the Community Services Block Grant  
11          Act (42 U.S.C. 9902(2))) applicable to a  
12          family of the size involved.

13          “(B) LIMITATION.—Each local educational  
14          agency shall use not more than 50 percent of  
15          the grant funds described in subparagraph (A)  
16          to purchase, upgrade, or retrofit computer  
17          hardware in schools in which not less than 50  
18          percent of the school-age population comes from  
19          families at or below the poverty line, as defined  
20          in subparagraph (A)(v).

21          “(c) TRANSFER OF FUNDS.—Notwithstanding sub-  
22          section (b)—

23                 “(1) a local educational agency that meets ade-  
24                 quate yearly progress requirements for student per-  
25                 formance, as established by the State educational

1 agency under section 1111, may allocate, at the local  
2 educational agency's discretion, not more than 30  
3 percent of the grant funds received under section  
4 6004(3) among the 4 funding categories described in  
5 subsection (b);

6 “(2) a local educational agency that exceeds the  
7 adequate yearly progress requirements described in  
8 paragraph (1) by a significant amount, as deter-  
9 mined by the State educational agency, may allocate,  
10 at the local educational agency's discretion, not more  
11 than 50 percent of the grant funds received under  
12 section 6004(3) among the 4 funding categories de-  
13 scribed in subsection (b); and

14 “(3) a local educational agency that is identi-  
15 fied as in need of improvement, as defined under  
16 section 1117, may apply not more than 25 percent  
17 of the grant funds described in subsection (b)(2),  
18 (3), or (4) to school improvement activities described  
19 in subsection (b)(1).

20 “(d) LIMITATIONS FOR SCHOOLS AND LOCAL EDU-  
21 CATIONAL AGENCIES IN CORRECTIVE ACTION.—

22 “(1) LOCAL EDUCATIONAL AGENCIES IN COR-  
23 RECTIVE ACTION.—If a local educational agency is  
24 identified for corrective action under section  
25 1116(d), the State educational agency shall—

1           “(A) notwithstanding any other provision  
2           of law, specify how the local educational agency  
3           shall spend the grant funds in order to focus  
4           the local educational agency on activities that  
5           will be the most effective in raising student per-  
6           formance levels; and

7           “(B) implement corrective action in ac-  
8           cordance with the provisions for corrective ac-  
9           tion described in section 1116(d).

10          “(2) SCHOOLS IN CORRECTIVE ACTION.—If a  
11          school is identified for corrective action under sec-  
12          tion 1116(c), the local educational agency shall—

13               “(A) specify how the school shall spend  
14               grant funds received under this section in order  
15               to focus on activities that will be the most effec-  
16               tive in raising student performance levels; and

17               “(B) implement corrective action in ac-  
18               cordance with the provisions for corrective ac-  
19               tion described in section 1116(c)(10).

20          “(3) DURATION.—Limitations imposed on  
21          schools and local educational agencies in corrective  
22          action under paragraphs (1) and (2) shall remain in  
23          effect until such time as the school or local edu-  
24          cational agency has made sufficient improvement, as

1 determined by the State educational agency, and is  
2 no longer in corrective action.

3 **“SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.**

4 “(a) DATA REVIEW.—

5 “(1) STATE AND LOCAL REVIEW.—A State edu-  
6 cational agency shall jointly review with a local edu-  
7 cational agency described in section 6006(d)(1) the  
8 local educational agency’s data gathered from stu-  
9 dent assessments and other measures required under  
10 section 1111(b)(4), in order to determine how the  
11 local educational agency shall spend the grant funds  
12 pursuant to section 6006(d)(1)(A) in order to sub-  
13 stantially increase student performance levels.

14 “(2) SCHOOL AND LOCAL REVIEW.—A local  
15 educational agency shall jointly review with a school  
16 described in section 6006(d)(2) the school’s data  
17 gathered from student assessments and other meas-  
18 ures required under section 1111(b)(4), in order to  
19 determine how the school shall spend grant funds  
20 pursuant to section 6006(d)(2) in order to substan-  
21 tially increase student performance levels.

22 “(b) TECHNICAL ASSISTANCE.—

23 “(1) STATE ASSISTANCE.—

24 “(A) A State educational agency shall pro-  
25 vide, upon request by a local educational agency

1 receiving grant funds under this title, technical  
2 assistance to the local educational agency and  
3 schools served by the local educational agency,  
4 including assistance in analyzing student per-  
5 formance and the impact of programs assisted  
6 under this title and identifying the best instruc-  
7 tional strategies and methods for carrying out  
8 such programs.

9 “(B) State assistance may be provided  
10 by—

11 “(i) the State educational agency; or

12 “(ii) with the local educational agen-  
13 cy’s approval, by an institution of higher  
14 education, a private not-for-profit or for-  
15 profit organization, an educational service  
16 agency, the recipient of a Federal contract  
17 or cooperative agreement as described in  
18 section 7005, a nontraditional entity such  
19 as a corporation or consulting firm, or any  
20 other entity with experience in the pro-  
21 gram area for which the assistance is being  
22 sought.

23 “(2) LOCAL ASSISTANCE.—

24 “(A) A local educational agency shall pro-  
25 vide, upon request by an elementary school or



1 secondary school served by the agency, technical  
2 assistance to such school, including assistance  
3 in analyzing student performance and the im-  
4 pact of programs assisted under this title, and  
5 identifying the best instructional strategies and  
6 methods for carrying out such programs.

7 “(B) Local assistance may be provided  
8 by—

9 “(i) the State educational agency or  
10 local educational agency; or

11 “(ii) with the school’s approval, by an  
12 institution of higher education, a private  
13 not-for-profit or for-profit organization, an  
14 educational service agency, the recipient of  
15 a Federal contract or cooperative agree-  
16 ment as described in section 7005, a non-  
17 traditional entity such as a corporation or  
18 consulting firm, or any other entity with  
19 experience in the program area for which  
20 the assistance is being sought.

21 **“SEC. 6008. LOCAL REPORTS.**

22 “Each local educational agency receiving funds under  
23 this title shall annually publish and disseminate to the  
24 public in a format and, to the extent practicable, in a lan-  
25 guage that parents can understand, a report on—

1 “(1) information describing the use of funds in  
2 the 4 category areas described in section 6006(b);

3 “(2) the impact of such programs and an as-  
4 sessment of such programs’ effectiveness; and

5 “(3) the local educational agency’s progress to-  
6 ward attaining the goals and objectives described  
7 under section 6005(b), and the extent to which pro-  
8 grams assisted under this title have increased stu-  
9 dent achievement.

10 **“SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out  
12 this title \$2,700,000,000 for fiscal year 2001, and such  
13 sums as may be necessary for each of the 4 succeeding  
14 fiscal years.”.

15 **TITLE VII—ACCOUNTABILITY**

16 **SEC. 701. ACCOUNTABILITY.**

17 Title VII of the Act (20 U.S.C. 7401 et seq.) is  
18 amended to read as follows:

19 **“TITLE VII—ACCOUNTABILITY**

20 **“SEC. 7001. SANCTIONS.**

21 “(a) **THIRD FISCAL YEAR.**—If performance objec-  
22 tives established under a covered provision have not been  
23 met by a State receiving grant funds under such provision  
24 by the end of the third fiscal year for which the State  
25 receives such grant funds, the Secretary shall reduce by

1 50 percent the amount the State is entitled to receive for  
2 administrative expenses under such provision.

3 “(b) FOURTH FISCAL YEAR.—If the State fails to  
4 meet the performance objectives established under a cov-  
5 ered provision by the end of the fourth fiscal year for  
6 which the State receives grant funds under the covered  
7 provision, the Secretary shall reduce the total amount the  
8 State receives under title VI by 30 percent.

9 “(c) DURATION.—If the Secretary determines, under  
10 subsection (a) or (b), that a State failed to meet the per-  
11 formance objectives established under a covered provision  
12 for a fiscal year, the Secretary shall reduce grant funds  
13 in accordance with subsection (a) or (b) for the State for  
14 each subsequent fiscal year until the State demonstrates  
15 that the State met the performance objectives for the fis-  
16 cal year preceding the demonstration.

17 “(d) TECHNICAL ASSISTANCE.—The Secretary shall  
18 provide technical assistance, if sought, to a State subjected  
19 to sanctions under subsection (a) or (b).

20 “(e) LOCAL SANCTIONS.—

21 “(1) IN GENERAL.—Each State receiving assist-  
22 ance under title I, II, III, or VI shall develop a sys-  
23 tem to hold local educational agencies accountable  
24 for meeting—

1           “(A) the performance objectives estab-  
2           lished under part A of title II, part A of title  
3           III, and title VI; and

4           “(B) the adequate yearly progress require-  
5           ments established under part A of title I, and  
6           required under part A of title III and title VI.

7           “(2) SANCTIONS.—A system developed under  
8           subsection (c) shall include a mechanism for sanc-  
9           tioning local educational agencies for low perform-  
10          ance with regard to failure to meet such perform-  
11          ance objectives and adequate yearly progress levels.

12          “(f) DEFINITIONS.—In this section:

13           “(1) COVERED PROVISION.—The term ‘covered  
14           provision’ means part A of title I, part A of title II,  
15           part A of title III, and section 6005(b)(2)(C).

16           “(2) PERFORMANCE OBJECTIVES.—The term  
17           ‘performance objectives’ means in the case of—

18           “(A) part A of title I, the adequate yearly  
19           progress levels established under subsections  
20           (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

21           “(B) part A of title II, the set of perform-  
22           ance objectives established in section 2014;

23           “(C) part A of title III, the set of perform-  
24           ance objectives established in section 3109; and

1           “(D) title VI, the set of performance objec-  
2           tives set by each local educational agency in  
3           section 6005(b)(2)(C).

4   **“SEC. 7002. REWARDING HIGH PERFORMANCE.**

5           “(a) STATE REWARDS.—

6           “(1) IN GENERAL.—From amounts appro-  
7           priated under subsection (d), and from amounts  
8           made available as a result of reductions under sec-  
9           tion 7001, the Secretary shall make awards to  
10          States that—

11           “(A) for 3 consecutive years have—

12           “(i) exceeded the States’ performance  
13           objectives established for any title under  
14           this Act;

15           “(ii) exceeded their adequate yearly  
16           progress levels established in section  
17           1111(b);

18           “(iii) significantly narrowed the gaps  
19           between minority and non-minority stu-  
20           dents, and between economically disadvan-  
21           tagged and non-economically disadvantaged  
22           students;

23           “(iv) raised all students to the pro-  
24           ficient standard level prior to 10 years  
25           from the date of enactment of the Public

1 Education Reinvention, Reinvestment, and  
2 Responsibility Act; or

3 “(v) significantly increased the per-  
4 centage of core classes being taught by  
5 fully qualified teachers teaching in schools  
6 receiving funds under part A of title I; or

7 “(B) by not later than fiscal year 2003,  
8 ensure that all teachers teaching in the States’  
9 public elementary schools and secondary schools  
10 are fully qualified.

11 “(2) STATE USE OF FUNDS.—

12 “(A) DEMONSTRATION SITES.—Each State  
13 receiving an award under paragraph (1) shall  
14 use a portion of the award that is not distrib-  
15 uted under subsection (b) to establish dem-  
16 onstration sites with respect to high-performing  
17 schools (based on achievement or performance  
18 levels) objectives and adequate yearly progress  
19 in order to help low-performing schools.

20 “(B) IMPROVEMENT OF PERFORMANCE.—  
21 Each State receiving an award under paragraph  
22 (1) shall use the portion of the award that is  
23 not used pursuant to subparagraph (A) or (C)  
24 and is not distributed under subsection (b) for  
25 the purpose of improving the level of perform-

1           ance of all elementary and secondary school  
2           students in the State, based on State content  
3           and performance standards.

4           “(C) RESERVATION FOR ADMINISTRATIVE  
5           EXPENSES.—Each State receiving an award  
6           under paragraph (1) may set aside not more  
7           than ½ of 1 percent of the award for the plan-  
8           ning and administrative costs of carrying out  
9           this section, including the costs of distributing  
10          awards to local educational agencies.

11       “(b) LOCAL EDUCATIONAL AGENCY AWARDS.—

12           “(1) IN GENERAL.—Each State receiving an  
13          award under subsection (a)(1) shall distribute 80  
14          percent of the award funds to local educational  
15          agencies in the State that—

16           “(A) for 3 consecutive years have—

17           “(i) exceeded the State-established  
18          local educational agency performance ob-  
19          jectives established for any title under this  
20          Act;

21           “(ii) exceeded the adequate yearly  
22          progress level established under section  
23          1111(b)(2);

24           “(iii) significantly narrowed the gaps  
25          between minority and nonminority stu-

dents, and between economically disadvantaged and noneconomically disadvantaged students;

“(iv) raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; or

“(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

“(B) not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

“(C) have attained consistently high achievement in another area that the State deems appropriate to reward.

“(2) SCHOOL-BASED PERFORMANCE AWARDS.—

A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.



1           “(3) RESERVATION FOR ADMINISTRATIVE EX-  
2           PENSES.—Each local educational agency receiving  
3           an award under paragraph (1) may set aside not  
4           more than  $\frac{1}{2}$  of 1 percent of the award for the plan-  
5           ning and administrative costs of carrying out this  
6           section, including the costs of distributing awards to  
7           eligible elementary schools and secondary schools,  
8           teachers, and principals.

9           “(c) SCHOOL REWARDS.—Each local educational  
10          agency receiving an award under subsection (b) shall con-  
11          sult with teachers and principals to develop a reward sys-  
12          tem, and shall use the award funds—

13               “(1) to reward individual schools that dem-  
14          onstrate high performance with respect to—

15                       “(A) increasing the academic achievement  
16                       of all students;

17                       “(B) narrowing the academic achievement  
18                       gap described in section 1111(b)(2)(B)(vii);

19                       “(C) improving teacher quality;

20                       “(D) increasing high-quality professional  
21                       development for teachers, principals, and ad-  
22                       ministrators; or

23                       “(E) improving the English proficiency of  
24                       limited English proficient students;

1           “(2) to reward collaborative teams of teachers,  
2           or teams of teachers and principals, that—

3                   “(A) significantly increase the annual per-  
4                   formance of low-performing students; or

5                   “(B) significantly improve in a fiscal year  
6                   the English proficiency of limited English pro-  
7                   ficient students;

8           “(3) to reward principals who successfully raise  
9           the performance of a substantial number of low-per-  
10          forming students to high academic levels;

11          “(4) to develop or implement school district-  
12          wide programs or policies to increase the level of  
13          student performance on State assessments that are  
14          aligned with State content standards; and

15          “(5) to reward schools for consistently high  
16          achievement in another area that the local edu-  
17          cational agency deems appropriate to reward.

18          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated to carry out this section  
20          \$200,000,000 for fiscal year 2001, and such sums as may  
21          be necessary for each of the 4 succeeding fiscal years.

22          “(e) DEFINITION.—The term ‘low-performing stu-  
23          dent’ means students who are below the basic State stand-  
24          ard level.

1 **“SEC. 7003. SUPPLEMENT NOT SUPPLANT.**

2 “A State educational agency and local educational  
3 agency shall use funds under this title to supplement, and,  
4 not supplant, Federal, State, and local funds that, in the  
5 absence of funds under this title, would otherwise be spent  
6 for activities of the type described in section 7002.

7 **“SEC. 7004. SECRETARY’S ACTIVITIES.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
9 vision of this Act, from amounts appropriated under sub-  
10 section (b) and not reserved under subsection (c), the Sec-  
11 retary may—

12 “(1) support activities of the National Board  
13 for Professional Teaching Standards;

14 “(2) study and disseminate information regard-  
15 ing model programs assisted under this Act;

16 “(3) provide training and technical assistance  
17 to States, local educational agencies, elementary  
18 schools and secondary schools, Indian tribes, and  
19 other recipients of grant funds under this Act that  
20 are carrying out activities assisted under this Act,  
21 including entering into contracts or cooperative  
22 agreements with public or private nonprofit entities  
23 or consortia of such entities, in order to provide  
24 comprehensive training and technical assistance re-  
25 lated to the administration and implementation of  
26 activities assisted under this Act;

1           “(4) support activities that will promote sys-  
2       temic education reform at the State and local levels;

3           “(5) award grants or contracts to public or pri-  
4       vate nonprofit entities to enable the entities—

5           “(A) to develop and disseminate exemplary  
6       reading, mathematics, science, and technology  
7       educational practices, and instructional mate-  
8       rials to States, local educational agencies, and  
9       elementary schools and secondary schools; and

10          “(B) to provide technical assistance for the  
11       implementation of teaching methods and assess-  
12       ment tools for use by elementary schools and  
13       secondary school students, teachers, and admin-  
14       istrators;

15          “(6) disseminate information on models of  
16       value-added assessments;

17          “(7) award a grant or contract to a public or  
18       private nonprofit entity or consortium of such enti-  
19       ties for the development and dissemination of exem-  
20       plary programs and curricula for accelerated and ad-  
21       vanced learning for all students, including gifted and  
22       talented students;

23          “(8) award a grant or contract with Reading Is  
24       Fundamental, Inc. and other public or private non-  
25       profit entities to support and promote programs

1       which include the distribution of inexpensive books  
2       to students and literacy activities that motivate chil-  
3       dren to read; and

4           “(9) provide assistance to States—

5               “(A) by assisting in the development of  
6               English language development standards and  
7               high-quality assessments, if requested by a  
8               State participating in activities under subtitle A  
9               of title III; and

10               “(B) by developing native language tests  
11               for limited English proficient students that a  
12               State may administer to such students to assess  
13               student achievement in at least reading, science,  
14               and mathematics, consistent with section 1111.

15       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
16       are authorized to be appropriated to carry out this section  
17       \$150,000,000 for fiscal year 2001, and such sums as may  
18       be necessary for each of the 4 succeeding fiscal years.

19       “(c) RESERVATION.—From the amounts appro-  
20       priated under subsection (b) the Secretary shall reserve  
21       \$10,000,000 for the purposes of carrying out activities  
22       under section 1202(c).”.

1                   **TITLE VIII—GENERAL**  
2                   **PROVISIONS AND REPEALS**

3   **SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS RE-**  
4                   **GARDING TITLES VIII AND XIV.**

5           (a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.)  
6 is amended—

7           (1) by inserting after title VII the following:

8                   **“TITLE VIII—GENERAL**  
9                   **PROVISIONS”;**

10           (2) by repealing sections 14514 and 14603 (20  
11 U.S.C. 8904, 8923);

12           (3)(A) by transferring title XIV (20 U.S.C.  
13 8801 et seq.) to title VIII and inserting such title  
14 after the title heading for title VIII; and

15           (B) by striking the title heading for title XIV;

16           (4)(A) by redesignating part H of title VIII (as  
17 redesignated by paragraph (3)) as part I of title  
18 VIII; and

19           (B) by redesignating the references to part H  
20 of title VIII as references to part I of title VIII;

21           (5) by inserting after part G of title VIII the  
22 following:

1       **“PART H—SUPPLEMENT, NOT SUPPLANT**

2       **“SEC. 8801. SUPPLEMENT, NOT SUPPLANT.**

3       “A State educational agency or local educational  
4 agency shall use funds received under the Act to supple-  
5 ment, and not supplant, State and local funds that, in the  
6 absence of funds under this Act, would otherwise be spent  
7 for activities under this Act.”;

8               (6) by redesignating the references to title XIV  
9 as references to title VIII;

10              (7)(A) by redesignating sections 14101 through  
11 14103 (20 U.S.C. 8801, 8803) (as transferred by  
12 paragraph (3)) as sections 8101 through 8103, re-  
13 spectively; and

14              (B) by redesignating the references to such sec-  
15 tions 14101 through 14103 as references to sections  
16 8101 through 8103, respectively;

17              (8)(A) by redesignating sections 14201 through  
18 14206 (20 U.S.C. 8821, 8826) (as transferred by  
19 paragraph (3)) as sections 8201 through 8206, re-  
20 spectively; and

21              (B) by redesignating the references to such sec-  
22 tions 14201 through 14206 as references to sections  
23 8201 through 8206, respectively;

24              (9)(A) by redesignating sections 14301 through  
25 14307 (20 U.S.C. 8851, 8857) (as transferred by

1 paragraph (3)) as sections 8301 through 8307, re-  
2 spectively; and

3 (B) by redesignating the references to such sec-  
4 tions 14301 through 14307 as references to sections  
5 8301 through 8307, respectively;

6 (10)(A) by redesignating section 14401 (20  
7 U.S.C. 8881) (as transferred by paragraph (3)) as  
8 section 8401; and

9 (B) by redesignating the references to such sec-  
10 tion 14401 as references to section 8401;

11 (11)(A) by redesignating sections 14501  
12 through 14513 (20 U.S.C. 8891, 8903) (as trans-  
13 ferred by paragraph (3)) as sections 8501 through  
14 8513, respectively; and

15 (B) by redesignating the references to such sec-  
16 tions 14501 through 14513 as references to sections  
17 8501 through 8513, respectively;

18 (12)(A) by redesignating sections 14601 and  
19 14602 (20 U.S.C. 8921, 8922) (as transferred by  
20 paragraph (3)) as sections 8601 and 8602, respec-  
21 tively; and

22 (B) by redesignating the references to such sec-  
23 tions 14601 and 14602 as references to sections  
24 8601 and 8602, respectively;



1           (13)(A) by redesignating section 14701 (20  
2       U.S.C. 8941) (as transferred by paragraph (3)) as  
3       section 8701; and

4           (B) by redesignating the references to such sec-  
5       tion 14701 as references to section 8701; and

6           (14)(A) by redesignating sections 14801 and  
7       14802 (20 U.S.C. 8961, 8962) (as transferred by  
8       paragraph (3)) as sections 8901 and 8902, respec-  
9       tively; and

10          (B) by redesignating the references to such sec-  
11       tions 14801 and 14802 as references to sections  
12       8901 and 8902, respectively.

13       (b) AMENDMENTS.—Title VIII (as so transferred and  
14       redesignated) is amended—

15           (1) in section 8101(10) (as redesignated by  
16       subsection (a)(7))—

17               (A) by striking subparagraphs (C) through  
18               (F); and

19               (B) by adding after subparagraph (B) the  
20       following:

21                   “(C) part A of title II;

22                   “(D) part A of title III; and

23                   “(E) title IV.”;

1           (2) in section 8102 (as redesignated by sub-  
2       section (a)(7)), by striking “VIII” and inserting  
3       “V”;

4           (3) in section 8201 (as redesignated by sub-  
5       section (a)(8))—

6           (A) in subsection (a)(2), by striking “, and  
7       administrative funds under section 308(c) of  
8       the Goals 2000: Educate America Act”; and

9           (B) by striking subsection (f);

10          (4) in section 8203(b) (as redesignated by sub-  
11       section (a)(8)), by striking “Improving America’s  
12       Schools Act of 1994” and inserting “Public Edu-  
13       cation Reinvestment, Reinvention, and Responsibility  
14       Act”;

15          (5) in section 8204 (as redesignated by sub-  
16       section (a)(8))—

17           (A) by striking subsection (b); and

18           (B) in subsection (a)—

19           (i) in paragraph (2)—

20           (I) in the matter preceding sub-  
21       paragraph (A), by striking “1995”  
22       and inserting “2001”;

23           (II) in subparagraph (B), by in-  
24       serting “professional development,”  
25       after “curriculum development,”; and

1 (ii) in paragraph (4)—

2 (I) by striking “and section  
3 410(b) of the Improving America’s  
4 Schools Act of 1994”; and

5 (II) by striking “paragraph (2)”  
6 and inserting “subsection (a)(2)”;

7 (III) by striking the following:

8 “(4) RESULTS.—” and inserting the following:  
9 “(b) RESULTS.—”;

10 (IV) by striking the following:

11 “(A) develop” and inserting the following:  
12 “(1) develop”; and

13 (V) by striking the following:

14 “(B) within” and inserting the following:  
15 “(2) within”;

16 (6) in section 8205(a)(1) (as redesignated by  
17 subsection (a)(8)), by striking “part A of title IX”  
18 and inserting “part B of title III”;

19 (7) in section 8206 (as redesignated by sub-  
20 section (a)(8))—

21 (A) by striking “(a) UNNEEDED PROGRAM  
22 FUNDS.—”; and

23 (B) by striking subsection (b);

24 (8) in section 8302(a)(2) (as redesignated by  
25 subsection (a)(9))—

1 (A) by striking subparagraph (C); and  
2 (B) by redesignating subparagraphs (D)  
3 and (E) as subparagraphs (C) and (D), respec-  
4 tively;

5 (9) in section 8304(b) (as redesignated by sub-  
6 section (a)(9)), by striking “Improving America’s  
7 Schools Act of 1994” and inserting “Public Edu-  
8 cation Reinvestment, Reinvention, and Responsibility  
9 Act”;

10 (10) in section 8401 (as redesignated by sub-  
11 section (a)(10))—

12 (A) in subsection (a), by striking “Except  
13 as provided in subsection (c),” and inserting  
14 “Notwithstanding any other provision regarding  
15 waivers in this Act and except as provided in  
16 subsection (c),”; and

17 (B) in subsection (c)(8), by striking “part  
18 C of title X” and inserting “part B of title IV”;

19 (11) in section 8502 (as redesignated by sub-  
20 section (a)(11)), by striking “VIII” and inserting  
21 “V”;

22 (12) in section 8503(b)(1) (as redesignated by  
23 subsection (a)(11))—

24 (A) by striking subparagraphs (B) through  
25 (E);

1 (B) by redesignating subparagraph (A) as  
2 subparagraph (B);

3 (C) by inserting before subparagraph (B)  
4 the following:

5 “(A) part A of title I;” and

6 (D) by adding at the end the following:

7 “(C) title II;

8 “(D) title III;

9 “(E) title VI.”; and

10 (13) in section 8506(d) (as redesignated by  
11 subsection (a)(11)), by striking “Improving Amer-  
12 ica’s Schools Act of 1994” and inserting “Public  
13 Education Reinvestment, Reinvention, and Responsi-  
14 bility Act”;

15 (14) in section 8513 (as redesignated by sub-  
16 section (a)(11)), by striking “Improving America’s  
17 Schools Act of 1994” each place it appears and in-  
18 serting “Public Education Reinvestment, Reinven-  
19 tion, and Responsibility Act”;

20 (15) in section 8601 (as redesignated by sub-  
21 section (a)(12))—

22 (A) in subsection (b)(3)—

23 (i) in subparagraph (A), by striking  
24 “Improving America’s Schools Act of  
25 1994” and inserting “Public Education

1 Reinvestment, Reinvention, and Responsi-  
2 bility Act”; and

3 (ii) in subparagraph (B), by striking  
4 “Improving America’s Schools Act” and  
5 inserting “Public Education Reinvestment,  
6 Reinvention, and Responsibility Act”; and  
7 (B) in subsection (f), by striking “Improv-  
8 ing America’s Schools Act of 1994” and insert-  
9 ing “Public Education Reinvestment, Reinven-  
10 tion, and Responsibility Act”; and

11 (16) in section 8701(b) (as redesignated by  
12 subsection (a)(13))—

13 (A) in paragraph (1)—

14 (i) in subparagraph (B)—

15 (I) in clause (i), by striking “Im-  
16 proving America’s Schools Act of  
17 1994” and inserting “Public Edu-  
18 cation Reinvestment, Reinvention, and  
19 Responsibility Act”;

20 (II) in clause (ii), by striking  
21 “such as the initiatives under the  
22 Goals 2000: Educate America Act,  
23 and” and inserting “under”; and

24 (III) in clause (v), by striking “,  
25 the Advisory Council on Education

1 Statistics, and the National Education  
2 Goals Panel” and inserting “and the  
3 Advisory Council on Education Statis-  
4 tics”; and

5 (ii) in subparagraph (C)(ii), by strik-  
6 ing “the School-to-Work Opportunities Act  
7 of 1994, and the Goals 2000: Educate  
8 America Act” and inserting “and the  
9 School-to-Work Opportunities Act of  
10 1994”; and

11 (B) in paragraph (3), by striking “1998”  
12 and inserting “2004”.

13 **SEC. 802. OTHER REPEALS.**

14 Titles V, X, XI, XII, and XIII (20 U.S.C. 7201 et  
15 seq., 8001 et seq., 8401 et seq., 8501 et seq., 8601 et  
16 seq.) and the Goals 2000: Educate America Act (20  
17 U.S.C. 5801 et seq.) are repealed.

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